

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

Nancy Lange
Dan Lipschultz
Matthew Schuerger
Katie J. Sieben
John A. Tuma

Chair
Commissioner
Commissioner
Commissioner
Commissioner

In the Matter of the Application of Minnesota
Energy Resources Corporation for a Route
Permit for the Rochester Natural Gas Pipeline
Project in Olmsted County

ISSUE DATE: May 5, 2017

DOCKET NO. G-011/GP-15-858

ORDER ISSUING ROUTE PERMIT

PROCEDURAL HISTORY

I. Initial Filings and Orders

On November 3, 2015, Minnesota Energy Resources Corporation (MERC or the Company) filed an application under Minn. R. ch. 7852 for a route permit for a natural gas pipeline to expand the capacity of its natural gas distribution system in and around the city of Rochester (Rochester Project or the Project).¹

On February 3, 2016, the Commission issued an order finding MERC's application complete and referring the application to the Office of Administrative Hearings for contested-case proceedings before an administrative law judge.

II. The Parties and Their Representatives

The following parties appeared in this case:

- Minnesota Energy Resources Corporation (MERC or the Company), represented by Kodi Jean Verhalen and Michael C. Krikava, Briggs and Morgan, P.A.
- Minnesota Department of Commerce, Energy Environmental Review and Analysis Unit (Department), represented by Linda S. Jensen, Assistant Attorney General.
- Northern Natural Gas Company (NNG), represented by Eric F. Swanson, Winthrop & Weinstine, P.A.

¹ On October 26, 2015, in a separate docket, MERC filed a Petition for Evaluation and Approval of Rider Recovery for the Rochester Project. In an order issued contemporaneously with this order, the Commission grants that petition, finding that the Rochester Project is necessary, reasonable, and prudent to provide service to MERC's Rochester service area. *See* Docket No. G-011/M-15-895.

III. Comparative Environmental Analysis

In its February 3, 2016 order, the Commission authorized the Department to develop a comparative environmental analysis (CEA) of alternative routes for the Rochester Project and requested that it issue the CEA in draft form prior to holding public hearings on the Project.

On February 29, 2016, the Department and the Commission convened public-information and CEA-scoping meetings in Rochester to explain the permitting process, provide information on the Project, and identify potential alternative routes to analyze in the CEA. These meetings were followed by a period for submitting written comments. In all, the Department received 28 oral and written comments from members of the public regarding the scope of the CEA.

On June 27, the Department filed comments recommending that the Commission accept 29 alternative route segments and six route-segment width increases for evaluation and analysis in the CEA.

On July 26, the Commission accepted the route segments and widths the Department recommended for inclusion in the CEA.

On September 16, the Department issued its draft CEA for the Project.

On September 28, the Department convened a second round of public-information meetings to solicit public comment on the draft CEA. Some 16 members of the public provided oral comments on the draft CEA, with seven submitting written comments following the hearing.

The Department also received comments on the scope of the CEA and/or on the draft CEA itself from the following government agencies:

- Minnesota Department of Transportation
- Minnesota Department of Natural Resources
- Minnesota Pollution Control Agency
- Rochester–Olmsted Planning Department

IV. Proceedings Before the Administrative Law Judge

The Office of Administrative Hearings assigned Administrative Law Judge (ALJ) Eric L. Lipman to hear the case.

The parties filed direct, rebuttal and surrebuttal testimony prior to the opening of evidentiary hearings. The ALJ held an evidentiary hearing in Rochester on November 9, 2016. After the hearing, the parties filed initial briefs, reply briefs, and proposed findings of fact.

The ALJ also held two public hearings at the Centerstone Plaza Hotel in Rochester on November 9, prior to the evidentiary hearing.

V. Public Comments

Approximately 40 people attended the two public hearings, with 21 offering comments; six members of the public filed written comments. The Administrative Law Judge categorized and summarized the public comments in his report.

A number of commenters raised concerns about the Project's effect on human settlement and the natural environment and recommended selection of alternative routes or route segments to avoid these impacts. The concerns raised included impacts to existing infrastructure and land use, natural features, public safety, property values, and planned or potential future development.

All public comments are filed in the case record. Written comments are labeled "Public Comment" and oral comments appear in the public hearing transcripts filed by the court reporter.

VI. Proceedings Before the Commission

On January 31, 2017, the Administrative Law Judge filed his *Findings of Fact, Conclusions of Law, and Recommendations* (ALJ's Report). The ALJ recommended that the Commission issue a route permit for the Project with conditions designed to mitigate its human and environmental impacts.

MERC and the Department filed exceptions to the ALJ's report under Minn. Stat. § 14.61 and Minn. R. 7829.2700. MERC filed a response to the Department's exceptions.

On March 23, 2017, the matter came before the Commission.

FINDINGS AND CONCLUSIONS

I. Summary of Commission Action

Having examined the entire record in this case, and having heard the arguments of the parties, the Commission concurs in most of the ALJ's findings, conclusions, and recommendations. The Commission will adopt the ALJ's Report except as discussed below and will issue a pipeline route permit for the Rochester Project in the form attached.

II. Background

A. The Legal Standard

Before building a pipeline with a diameter equal to or exceeding six inches for transporting hazardous liquids, a person must obtain from the Commission a pipeline routing permit identifying the authorized route.²

The process and criteria for obtaining a pipeline routing permit are set forth in Minnesota Statutes chapter 216G and Minnesota Rules chapter 7852. In brief, the Commission selects the route that minimizes human and environmental effects considering the factors listed in Minn. R. 7852.1900:

² Minn. Stat. § 216G.02, subd. 2.

- A. human settlement, existence and density of populated areas, existing and planned future land use, and management plans;
 - B. the natural environment, public and designated lands, including but not limited to natural areas, wildlife habitat, water, and recreational lands;
 - C. lands of historical, archaeological, and cultural significance;
 - D. economies within the route, including agricultural, commercial or industrial, forestry, recreational, and mining operations;
 - E. pipeline cost and accessibility;
 - F. use of existing rights-of-way and right-of-way sharing or paralleling;
 - G. natural resources and features;
 - H. the extent to which human or environmental effects are subject to mitigation by regulatory control and by application of the permit conditions contained in part 7852.3400 for pipeline right-of-way preparation, construction, cleanup, and restoration practices;
 - I. cumulative potential effects of related or anticipated future pipeline construction; and
 - J. the relevant applicable policies, rules, and regulations of other state and federal agencies, and local government land use laws
- ...³

B. MERC's Rochester Project and Proposed Route

MERC is the sole provider of retail natural gas service to the Rochester area, which has experienced continued development and population growth in recent years. The growth has reached a point where MERC now has a limited ability to provide firm, reliable natural gas service to existing and new customers.

The Rochester Project will expand the capacity of MERC's natural gas distribution system in the Rochester area by upgrading the city's town-border-station system, which receives natural gas from Northern Natural Gas's high-pressure interstate pipeline system and transmits it at a reduced pressure for delivery to the city's low-pressure distribution system.

The Project would be located along the west and south sides of Rochester and would involve constructing two new town border stations, one district regulator station, and approximately 13 to 14 miles of natural gas distribution pipeline connecting these stations.

³ Minn. R. 7852.1900, subp 3.

Specifically, MERC proposes to construct an expanded Town Border Station 1D (TBS 1D) next to Northern Natural Gas Company's existing town border station northwest of Rochester in Cascade Township. The expanded TBS 1D would connect to a new town border station (Proposed TBS), to be sited still further west and south in Salem Township. The proposed pipeline would continue to a new district regulator station (Proposed DRS) south of Rochester in Marion Township. Once the Project is commissioned, MERC's existing Town Border Station 1B, in southeast Rochester, would be decommissioned.

Under MERC's construction schedule, the Company would build expanded TBS 1D in 2017. By 2019, MERC would construct the Proposed TBS and install 16-inch diameter pipeline connecting the Proposed TBS to TBS 1D. Finally, the Company would build the Proposed DRS and install 12-inch pipeline between the Proposed TBS and the Proposed DRS, completing this work by 2023.

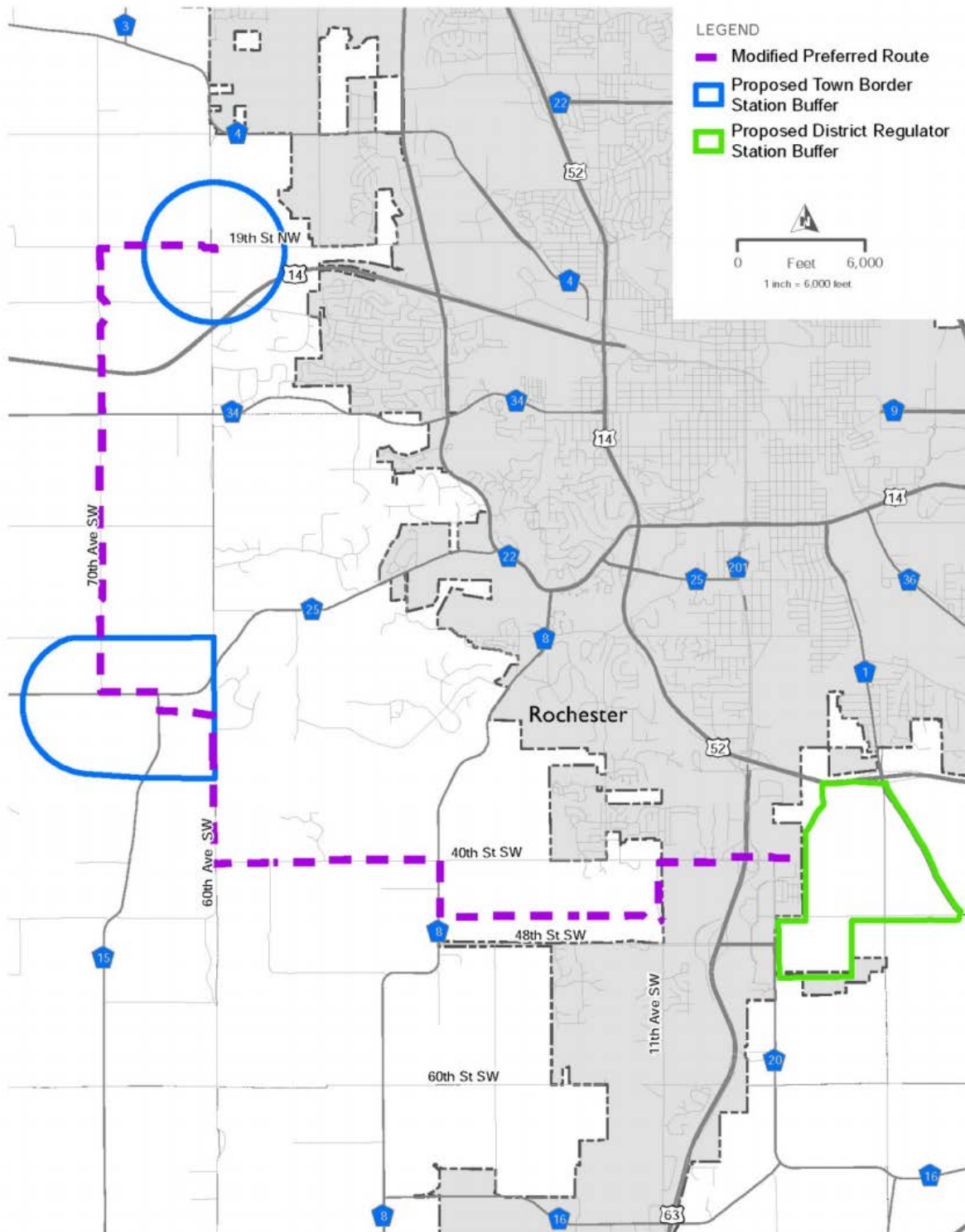
The Project would involve installing approximately five miles of 16-inch outside diameter steel pipeline and eight miles of 12-inch outside diameter steel pipeline. The maximum allowable operating pressure for both pipelines is 500 pounds per square inch gauge (psig). MERC anticipates operating the 16-inch pipeline at 400–475 psig and the 12-inch pipeline at 250–275 psig.

MERC proposes a 100-foot right-of-way for the distribution-pipeline portion of the Project, composed of a 50-foot permanent right-of-way and a 50-foot temporary right-of-way. The temporary right-of-way will be adjacent to the permanent right-of-way and may be located to one side of the permanent right-of-way or split between the two sides, depending on construction needs at particular locations.⁴ The Project would also require three 400-square-foot permanent easements for the town-border and district-regulator stations and a 10-acre temporary easement for storing equipment and materials during construction.

MERC identified its preferred route for the Project in its application. In response to public comments received during the permitting proceedings, and as a result of its own continued evaluation, the Company modified two segments of its preferred route. MERC's Modified Preferred Route is shown in Figure 1 below.

⁴ Additional workspaces outside the construction right-of-way may be needed in areas where horizontal directional drilling is used.

Figure 1: MERC's Modified Preferred Route⁵



⁵ See Department's Comparative Environmental Analysis, at 56 (September 16, 2016).

III. The Administrative Law Judge's Report

The ALJ found that all route segments, segment alternatives, and routes were constructible and that all these segments, alternatives, and routes were eligible for consideration by the Commission under Minn. R. 7852.1900.

The ALJ found that the Department had conducted an appropriate environmental analysis of the proposed Project, and that the Comparative Environmental Analysis addressed the issues and alternatives identified by the Commission and included the detail needed to evaluate route alternatives according to the criteria in Minn. R. 7852.1900.

The ALJ concluded that the Modified Preferred Route, with an adjustment along 70th Avenue Southwest,⁶ was the alternative in the record that best balanced the factors set forth in Minn. R. 7852.1900, subp 3. He therefore recommended that the Commission grant a route permit for the Modified Preferred Route with the noted adjustment.

Finally, the ALJ recommended that the Commission include several conditions in the route permit to mitigate the human and environmental impacts of the Project. These conditions included, among others,

- A requirement that the permittee use wildlife-friendly erosion-control materials;
- A requirement that the permittee consult with the U.S. Fish and Wildlife Service and the Minnesota Department of Natural Resources to determine whether preconstruction rare-species surveys are needed;
- A requirement that the permittee prepare a vegetation-management plan identifying measures to minimize the disturbance and removal of vegetation, prevent the introduction of noxious weeds and invasive species, and revegetate disturbed noncropland areas with native species; and
- Authorization to vary the route width to overcome potential site-specific constraints, including at the request of a landowner along the route.

IV. Exceptions to the ALJ's Report

Both MERC and the Department submitted exceptions to the ALJ's Report. By and large, the exceptions were in the nature of technical corrections or revisions to fix typographical errors. The parties' exceptions, and the Commission's reasons for accepting or rejecting them, are summarized in Attachment A, which the Commission adopts and incorporates into its order.

Two issues raised by the exceptions merit a fuller discussion and are addressed below.

A. Generic Route Permit Template

On August 2, 2016, the Commission filed a Generic Route Permit Template for the parties' review. In Finding 292, the ALJ found that the language in the Commission's template was generally appropriate to the circumstances of the Project.

⁶ Landowners along 70th Avenue Southwest requested that the route be kept on the east side of the road as much as possible to avoid having the pipeline pass near their houses.

In its exceptions, the Department argued that the template as filed on August 2 needed to be updated, corrected, and improved to create a clearer and more robust final permit. It recommended that changes be made to the template and that the approved permit be used in future pipeline permitting proceedings.

The Department first filed its recommended changes to the template on December 23, 2016, and the ALJ's Report recommended including several of them in the final permit. The Commission has also undertaken its own independent review of the Department's proposed changes. The Commission concurs in the changes recommended by the ALJ and has made additional changes to the permit based on its review of the Department's exceptions. All changes to the Generic Route Permit Template are reflected in the attached, final permit.

B. Route-Width-Variation Condition

In Finding 307, the ALJ recommended a permit condition that would allow for route-width variations to address unforeseen circumstances, "including a landowner request for a different location entirely on that landowner's property so long as the Permittee is agreeable to the proposed location."

MERC originally proposed this condition in response to the concerns of one particular landowner, William Oldfield, about the Project bisecting his property. However, in its exceptions, MERC recognized that the Commission may not wish to approve a generally worded condition authorizing the Company and any landowner to agree on a new alignment outside the route width approved by the Commission.

The Department recommended striking the quoted language and addressing Mr. Oldfield's concerns through a separate permit condition. Both MERC and the Department suggested language for a separate, "special" condition.

The Commission agrees with the parties that this type of specific landowner concern is best addressed through a permit condition narrowly tailored to the circumstances. The Commission also notes that Minn. R. 7852.3400 provides a process for a permittee to seek amendment of the route location and other permit conditions. If unforeseen future events create a need to adjust the route width, MERC will be able to seek a permit amendment to address that need at that time.

For these reasons, the Commission will decline to include the quoted language from Finding 307 in the route permit and will instead include the following special condition:

6.4 Specific Landowner Condition – Oldfield Property

The Permittee may modify the alignment of the approved route in Mr. Oldfield's property to locate the pipeline as close to the property boundary as is practicable and agreeable to both parties.

V. Route Permit Issued

The Administrative Law Judge's Report is well reasoned, comprehensive, and thorough. The ALJ held a formal evidentiary hearing and two public hearings. He reviewed the testimony of

three expert witnesses and examined 69 hearing exhibits. He reviewed some 76 oral and written comments by members of the public.

He received and reviewed initial and reply post-hearing briefs from the parties, as well as their proposed findings of fact and conclusions of law. He made 328 findings of fact and conclusions of law addressing the route-permitting criteria in Minn. R. 7852.1900, and recommended that the Commission issue a route permit for the Rochester Project.

The Commission has itself examined the record, considered the ALJ's Report, considered the exceptions to that report, and heard oral argument from the parties. Based on the entire record, the Commission concurs in the ALJ's recommendation to issue MERC a route permit consistent with the Generic Route Permit Template.

The Commission also concurs in most of the ALJ's recommended permit conditions, with the exceptions noted above and in Attachment A, and will adopt the ALJ's Report as amended by Attachment A. Finally, the Commission will issue a pipeline route permit for the Rochester Natural Gas Pipeline Project in the form attached, selecting the Modified Preferred Route as recommended by the ALJ's Report.

ORDER

1. The Commission hereby adopts the ALJ's Report as amended by Attachment A.
2. The Commission issues a pipeline route permit for the Rochester Natural Gas Pipeline Project in the form attached.
3. This order shall become effective immediately.

BY ORDER OF THE COMMISSION

Daniel P. Wolf
Executive Secretary



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Attachment A: Table of Proposed Exceptions to ALJ Report Findings and Recommendations

ALJ No. (New)	Proposer	Proposed Language	Added by Staff	Staff's Reason for Including or Rejecting Proposed Modification
4.	EERA	4. Specifically, the proposed Project will address two related needs: (1) eliminating the operating pressure and piping configuration issues that prevent MERC's existing distribution system from efficiently distributing natural gas to Rochester and surrounding communities; and (2) increasing the distribution <u>interstate</u> natural gas pipeline capacity that is available to the Rochester service area so as to meet existing and projected demand.	No	Construction of the project would enable an increase of both the interstate and distribution natural gas pipeline capacity to the Rochester service area. The statement is included in the Lee Direct testimony at page 5.
18.	MERC	18. Additionally, one workspace on either <u>each</u> side of the crossing will be required for each area where horizontal directional drilling (HDD) or boring is used along the proposed Project. At each of these locations, approximately 225 <u>square</u> feet will be excavated on either <u>each</u> side of the crossing and a workspace of at least 20,000 square feet in total size will be needed to complete the installation.	Yes	The proposed change is supported by language in the Comparative Environmental Analysis (page 34).
162.	Staff	162. At the September 28, 2016, public information meeting, Mr. Michael Sheehan, an employee of the Olmsted County Public Works Department, inquired as to the rights the company obtains with a 500-foot route width. Because County Roads 104 and 117 may need require refurbishment in the near term, Mr. Sheehan requested that the Company work with Olmsted County to ensure that the pipeline does not need to be relocated due to future road construction activities. ¹⁶²	Yes	The change corrects a typographic error.
165.	MERC	165. The Company met with the Olmsted County Public Works Department and the Olmsted County Engineer on October 17, 2016. The Company confirmed that it would work with the county and county engineer as to the impacts of the final alignment for the Project on road rights-of-way and local development plans. The Company pledges to identify mitigation measures that may be incorporated <u>into the final design of the Project</u> so as to avoid unnecessary <u>duplicative</u> construction along the selected route.	Yes	The proposed change is found in the Record (Lee Direct, at page 10).

ALJ No. (New)	Proposer	Proposed Language	Added by Staff	Staff's Reason for Including or Rejecting Proposed Modification
226.	EERA	226. Direct impacts to wetlands could occur as a result of pipeline construction activities – including trench method construction activities. Installation methods that would <u>require</u> excavation and fill in a wetland would result in impacts that are regulated by the Minnesota Wetland Conservation Act and a Section 404 Clean Water Act permit. Such impacts could be avoided, however, by using more intensive HDD methods to install the pipeline.	Yes	The change provides a correct sentence structure and more closely reflects the cited testimony.
231.	Staff	231. EERA concluded that not only can long-term impacts can be effectively mitigated, but no unique resources would be affected during construction.231	Yes	The change corrects a typographic error.
232.	EERA	232. Among the likely short-term impacts to wildlife from construction include the loss or alteration of local habitats; and that the new habitats might be less suitable. Moreover, small, less-mobile mammals, reptiles and amphibians could perish if they are <u>unable</u> to depart pipeline construction areas. As noted by DNR in its comments, wildlife may also become entangled in the plastic netting and other materials that are typically used to prevent soil erosion at pipeline construction sites.	Yes	The change corrects a typographic error and reflects the wording of the Comparative Environmental Analysis cited in the finding.
244.	EERA	244. All Segment Alternatives have similar vegetation types and comparable alternatives in each segment. Assuming use of the use of general permit conditions, construction techniques, and proposed best management practices, the impacts within the rights-of-way are expected to be minimal.	Yes	The change corrects a typographic error.
259.	EERA	259. Direct impacts to soils at the locations of TBS 1D, the Proposed TBS, and the Proposed DRS footprints will be permanent and significant. These impacts will be to a small and limited, do not affect unique resources, and are unavoidable.	Yes	The change corrects a typographic error.
292.	EERA	292. <u>As amended by the Commission</u> , the proposed language in the Generic Route Permit Template, <u>as modified by EERA's proposals</u> , is appropriate to the circumstances of the proposed project.	No	The ALJ Report was correct at the time of issuance and it isn't necessary to retroactively modify it to reflect subsequent changes to the permit.
295.	EERA	295. Condition 5. 12 should be modified to state that the Environmental Mitigation Plan “shall be provided upon filing of the Plan and Profile submission for the Project.” Additionally, the	No	It is not necessary to direct consultation with EERA staff because Section 10.0 of the permit places the onus for filing timely and

ALJ No. (New)	Proposer	Proposed Language	Added by Staff	Staff's Reason for Including or Rejecting Proposed Modification
		<p>condition should clarify that a proper Environmental Mitigation Plan <u>must be developed in consultation with EERA staff</u> and include:</p> <ul style="list-style-type: none"> (a) an Agricultural Mitigation Plan, Vegetation Management Plan, and a Stormwater Pollution Prevention Plan; (b) a detailed listing of environmental control plans or other special conditions imposed by permits or licenses issued by state or federal agencies relating to the Project; (c) identification of, and contact information for, an Environmental Monitor to oversee the construction process and monitor compliance with features of the Environmental Mitigation Plan; (d) a description of the process for reporting on the status of project construction to the Commission; and (e) <u>appropriate mitigation as discussed in the CEA and EERA Reply to Substantive Comments; and</u> (f) a description construction management methods, including the tracking of required plan or permit inspection forms.¹ <p>1. Minn. R. 7852.1900, subp. 3(F).</p>		<p>proper compliance filings on the permittee. Upon receipt of any compliance filings, EERA can recommend that the Commission not approve them.</p> <p>Proposed item (e) is too vague to be enforceable.</p>
295b NEW	MERC	<p>(b) a detailed listing of environmental control plans or other special conditions imposed by permits or licenses issued by state or federal agencies relating to the Project <u>federal, state, and local agencies or units of government, and a list of permits required for the construction of the Project;</u></p>	No	Staff has incorporated language into Permit Condition 5.7 to address this matter and therefore changes to the ALJ Report are not necessary.

ALJ No. (New)	Proposer	Proposed Language	Added by Staff	Staff's Reason for Including or Rejecting Proposed Modification
296	EERA	296. Condition 5.3 5 states that the construction practices and material specifications described in the Application shall be followed during construction.	No	The ALJ Report provides the correct reference to Permit Condition 5.5.
297	Staff	297. While the Application stated that “burning of slash, brush, stumps, or other project debris is prohibited,” MERC would like to retain the ability to perform these activities so long as any of those activities are agreeable to the landowner. The Route Permit should be clarified to allow flexibility on this point. ²⁹⁷	No	Staff does not request a change to this finding. Staff does not support the burning of slash and other debris for public health and safety reasons. In response to the ALJ's request, Permit Condition 5.6.13 provides flexibility to the permittee to compost or recycle the materials. Wood chips and small vegetation may be composted on site with expressed permission of the landowner.
303	Staff	303. In compliance with the recommendations of the CEA, the following special condition should be included in the Route Permit: Permittee shall submit a Vegetation Management Plan (VMP) with the Environmental Control Plan. The purpose of the VMP shall be to identify measures to minimize the disturbance and removal of vegetation for the Project, prevent the introduction of noxious weeds and invasive species, and re-vegetate disturbed non-cropland areas with appropriate native species in cooperation with landowner and state, federal, and local resource agencies, such that such re-vegetation does not negatively impact the safe and reliable operation of the Project. ³⁰³	Yes	The change corrects a typographic error.
307	EERA	307. The following special condition has been used in other pipeline proceedings and is appropriate for use in this matter as well: Route width variations may be allowed for the Permittee to overcome potential site-specific constraints. These constraints may arise from any of the following:	Yes, as modified by staff	Staff agrees with MERC and EERA supports the deletion of a portion of Section 1. The deletion is supported in part because landowner preferences and requests are not necessarily unforeseeable and can be accommodated within the timeframes included in the permit conditions.

ALJ No. (New)	Proposer	Proposed Language	Added by Staff	Staff's Reason for Including or Rejecting Proposed Modification
		<p>1.Unforeseen circumstances encountered during the detailed engineering and design process,including a landowner request for a different location entirely on that landowner's property so long as the Permittee is agreeable to the proposed location.</p> <p>2.Federal or state agency requirements.</p> <p>3.Existing infrastructure within the pipeline route, including but not limited to railroads, natural gas and liquid pipelines, road expansion projects, high voltage electric transmission lines, or sewer and water lines.</p> <p>Any alignment modifications arising from these site specific constraints that would result in right-of-way placement outside of this designated route shall be located to have the same or less impacts relative to the criteria in Minn. R. 7852.1900 as the alignment identified in this permit and be specifically identified in and approved as <u>a permit amendment pursuant to Minn. R. 7852.3400</u> part of the Plan and Profile submitted pursuant to Section 10.1 of this permit.</p>		<p>Additionally, Section 1 would result in a less orderly route width determination.</p> <p>The change included in the ALJ Report would conflict with the Permit Amendment process contemplated in Minn. R. 7852.3400. Staff does not support pre-approval of line placement outside the permitted route without a permit amendment as required by Minn. R. 7852.3400.</p>
308	EERA	<p>308. To ensure sufficient workspace for HDD crossings for the Project, it is appropriate to include the following special condition in the Route Permit for the Project:</p> <p>The Permittee may obtain extra temporary workspace that is needed at locations where the project will cross features such as waterbodies, roads, railroads, side slopes, and other special circumstances and HDD will be utilized. Extra temporary workspace will be allowed for construction activities including, but not limited to, staging equipment and stockpiling spoil material to facilitate construction of the pipeline. These dimensions will vary depending on actual site-specific conditions, but will typically be 20,000 square feet on each side of the features crossed. Extra temporary workspaces that may be</p>	No	Staff agrees with the change but it isn't sufficiently substantive enough to warrant a change to the ALJ Report.

ALJ No. (New)	Proposer	Proposed Language	Added by Staff	Staff's Reason for Including or Rejecting Proposed Modification
		required outside the approved Route Width are identified on the maps attached to this Route Permit		
308a NEW	MERC	<p><u>Finding 308a. At the Public Hearing, Mr. Oldfield expressed concern about the anticipated alignment for the Project bisecting his property in Salem Township. Mr. Oldfield expressed a willingness to work with the Company to locate the Project closer to his property boundaries. Based on this, it is appropriate for the Commission to include a special condition in the Route Permit allowing MERC and Mr. Oldfield to locate the Project alignment outside the Route Width so long as such location places the Project right-of-way entirely on Mr. Oldfield's property and it is in a location agreeable to MERC.</u></p> <p><u>Oldfield Property Special Condition. The Permittee shall work with Mr. Oldfield to determine if there is an alternate alignment for the Project from that of the Modified Preferred Route across Mr. Oldfield's property, where the easement of the pipeline would be entirely within the boundaries of his property, that is agreeable to the Permittee and Mr. Oldfield to locate the pipeline as close to the property boundaries as practicable. If the Permittee and Mr. Oldfield cannot reach an agreement as to location on Mr. Oldfield's property, the Permittee shall be allowed to construct the Project along the anticipated alignment of the Modified Preferred Route.</u></p>	No	Staff has included Special Permit Condition 6.4 in the permit to address this landowner request and therefore the ALJ Report does not require modification.
308b	MERC	<p>If any federal funding, permit, or license is involved or required, the Permittee shall notify the SHPO as soon as possible in the planning process to coordinate complete <u>any</u> Section 106 (36 C.F.R. part 800) review <u>that is necessary by coordinating with the federal agency or federal authority and SHPO as deemed necessary by the federal agency or federal authority.</u>⁴</p> <p>Soil excavated from the wetlands and riparian areas shall</p>	No	MERC noted that the language shown in redline from the Generic Route Permit Template language. MERC noted this revision is requested because existing pipelines in the area of the Project were installed in the 1940s before there were federal or state standards for pipeline depth. The revision is requested to reflect

ALJ No. (New)	Proposer	Proposed Language	Added by Staff	Staff's Reason for Including or Rejecting Proposed Modification
		<p>be contained and not placed back into the wetland or riparian area handled in compliance with the <u>permit from the appropriate regulatory agency</u>. If any soil is excavated from <u>wetlands or riparian areas not under state or federal jurisdiction</u>, the soil shall be <u>contained and not placed back into the wetland or riparian area</u>.⁵</p> <p>In agricultural land, the Permittee may seek a depth requirement waiver from the affected landowners to install the pipeline at the same depth as the existing pipelines <u>required by 49 C.F.R. 192.327</u>.</p>		<p>the federal minimum depth requirements for natural gas pipelines.</p> <p>Staff edited the language for clarity and incorporated Permit Conditions 4.0, 5.6.12 and 5.6.18; and therefore modifications to the ALJ Report are not necessary and because the Generic Permit language contemplated consideration of other required permits.</p>
12.	EERA	12. The evidence on the record demonstrates that the general Route Permit conditions, <u>as modified by the DOC EERA recommendations</u> in this Report , are appropriate for the Project.	No	The final decision on permit conditions rests with the Commission based on its review of the entire record of the proceeding.
13.	EERA	13. The evidence on the record demonstrates that the special Route Permit conditions detailed in this Report and as modified <u>by the DOC EERA recommendations</u> are appropriate for the Project.	No	The final decision on permit conditions rests with the Commission based on its review of the entire record of the proceeding.
14.	EERA	14. The evidence on the record demonstrates that the special Route Permit conditions detailed in this Report and as modified <u>by the DOC EERA recommendations</u> are appropriate for the Project.	No	The final decision on permit conditions rests with the Commission based on its review of the entire record of the proceeding.

STATE OF MINNESOTA PUBLIC UTILITIES COMMISSION

ROUTE PERMIT

FOR CONSTRUCTION OF A LARGE NATURAL GAS PIPELINE

AND ASSOCIATED FACILITIES

IN

OLMSTED COUNTY

ISSUED TO

MINNESOTA ENERGY RESOURCES CORPORATION

PUC DOCKET NO. G-011/GP-15-858

In accordance with the requirements of Minnesota Statutes Chapter 216G and Minnesota Rules Chapter 7852 this route permit is hereby issued to:

MINNESOTA ENERGY RESOURCES CORPORATION

Minnesota Energy Resources Corporation (MERC) is authorized by this route permit to construct approximately 5.1 miles of 16-inch outside diameter steel pipe, 8.8 miles of 12-inch outside diameter steel pipe, 2 town border stations, 1 district regulator station and associated facilities.

The pipeline and associated facilities shall be built within the route identified in this permit and as portrayed on the official route maps, and in compliance with the conditions specified in this permit.

Approved and adopted this 5th day of May, 2017

BY ORDER OF THE COMMISSION

Daniel P. Wolf,
Executive Secretary

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Complaint Procedures for Permitted Energy Facilities

Compliance Filing Procedures for Permitted Energy Facilities

1.0 ROUTE PERMIT

The Minnesota Public Utilities Commission (Commission) hereby issues this route permit to Minnesota Energy Resources Corporation (Permittee) pursuant to Minnesota Statutes Chapter 216G and Minnesota Rules Chapter 7852. This permit authorizes the permittee to construct a pipeline of approximately 14 miles in length: approximately 5.1 miles of 16-inch outside diameter steel pipe, 8.8 miles of 12-inch outside diameter steel pipe, two town border stations (TBSs), one district regulator station (DRS) and other associated facilities as identified in the attached route permit maps, hereby incorporated into this document.

1.1 Pre-emption

Pursuant to Minn. Stat. § 216G.02, subd. 4, this permit shall be the sole route approval required to be obtained by the Permittee for construction of the pipeline facilities and associated facilities. This permit shall supersede and preempt all zoning, building, or land use rules, regulations, or ordinances promulgated by regional, county, local and special purpose government.

2.0 PROJECT DESCRIPTION

The Rochester Natural Gas Pipeline Project (Project) is comprised of approximately 5.1 miles of 16-inch outside diameter steel pipe anticipated to be operated at 400 to 475 pounds per square inch gauge (psig) and 8.8 miles of 12-inch outside diameter steel pipe anticipated to be operated at 250 to 275 psig. The pipeline must be designed and constructed with a maximum allowable operating pressure of not less than 500 psig.

2.1 Associated Facilities

The associated facilities for the project consist of two TBSs and one DRS. The TBSs will include installation of pressure regulation and flow control valves, a line heater, odorization, and supervisory control and data acquisition (SCADA) station and metering. The DRS will include pressure regulation and flow control valves, a line heater and SCADA.

Other associated facilities include required signage indicating the presence of a natural gas pipeline as required by 49 CFR 192.707 and applicable corrosion control requirements, such as cathodic protection required by 49 CFR 192.463.

2.2 Project Location

The project is located in the following areas.

County	Township Name	Township	Range	Section
Olmsted	Cascade	107N	14W	30 & 31
Olmsted	Kalmar	107N	15W	25, 26, 35, & 36
Olmsted	Salem	106N	15W	1, 2, 11-14, 24, & 25
Olmsted	Rochester	106N	14W	18-30 & 36
Olmsted	Marion	106N	13W	19, 24, 25 & 30

2.3 Anticipated Project Construction Schedule

The Project will be constructed in three distinct phases, as described below.

Phase 1 of the project includes construction of a new MERC TBS 1D in the same area as the existing Northern Natural Gas TBS 1D located in the northwest quarter of section 30 in Cascade Township. Construction of Phase 1 is scheduled for completion in 2017.

Phase 2 of the project includes the construction of the new proposed TBS and installation of 16-inch outside diameter steel pipe from the new MERC TBS 1D to the new proposed TBS. The expected in-service date for completion of Phase 2 is 2019.

Phase 3 of the project includes installation of 12-inch pipe outside diameter from the new TBS to the new district regulator station (DRS). This phase also includes construction of the new DRS, with an expected in-service date of 2022.

Construction and improvement must begin within four years after issuance of the permit (Minnesota Rule 7852.3300).

3.0 DESIGNATED ROUTE

The route designated by the Commission in this permit is the route described below and shown on the route maps attached to this permit. The route is generally described as follows:

The designated route exits TBS 1D and follows 19th Street NW west for about 1.1 miles and then 70th Avenue NW south for approximately 0.4 miles then follows an electric distribution line for approximately 1.0 mile and then rejoins 70th Ave SW for another 2.5 miles to County State Aid Highway (CSAH) CSAH 25 near the new Proposed TBS. The route turns east and continues along CSAH 25 for about 0.5 miles, south along CSAH 15 for nearly 0.2 miles, proceeds southeast cross country for about 0.5 miles to 60th Avenue SW, and then continues

south for roughly 1.3 miles along 60th Avenue SW to 40th Street SW, and then follows 40th Street SW east for about 2.0 miles to County Road 8 and south along County Road 8 for approximately 0.5 miles. The route then proceeds east cross country for about 2.0 miles on the half section line along field breaks and property lines to 11th Avenue SW. The route continues north along 11th Avenue SW for approximately 0.5 miles and then east along 40th Street SW for nearly 1.3 miles, crossing US Highway 63 in the 40th Street SW interchange before terminating at the proposed DRS.

The designated route has a width of 500 feet, except for a short portion along 60th Avenue SW, in Section 19 of Rochester Township and Section 24 of Salem Township, which has a route width of 700 feet as shown on the attached route maps.

Any alignment modifications arising from site-specific constraints (i.e. sinkholes, underground cavities and enlarged fractures) that would result in right-of-way placement outside of this designated route shall be located to have the same or less impacts relative to the criteria in Minn. R. 7852.1900 as the alignment identified in this permit and be specifically identified in and approved as a permit amendment pursuant to Minn. R. 7852.3400.

The identified route widths will provide the Permittee with flexibility for minor adjustments of the specific alignment or right-of-way to accommodate landowner requests and unforeseen conditions. The final alignment (i.e., permanent and maintained rights-of-way) will be located within this designated route unless otherwise authorized by the Commission.

3.1 Permanent Right-of-Way

This Permit authorizes the Permittee to obtain a new permanent right-of-way for the pipeline up to 50-feet in width and a permanent right-of-way measuring 200-feet by 200-feet (0.92 acres) for TBS 1D, the Proposed TBS and the Proposed DRS.

The right-of-way will generally conform to this proposed alignment, except as otherwise provided by this permit. Any alignment modification within this designated route shall be located to have the same or less impacts relative to the criteria in Minn. R. 7852.1900 as this alignment identified in this permit.

3.2 Temporary Right-of-Way and Work Space

The Permittee shall limit temporary right-of-way to special construction access needs required outside of the authorized permanent rights-of-way. Temporary right-of-way shall be selected to limit the removal and impacts to vegetation.

The Permittee may obtain extra temporary workspace that is needed at locations where the project will cross features such as waterbodies, roads, railroads, side slopes, and other special circumstances and horizontal directional drilling will be utilized. Extra temporary workspace will be allowed for construction activities including, but not limited to, staging equipment and stockpiling spoil material to facilitate construction of the pipeline. These dimensions will vary depending on actual site-specific conditions, but will typically be 20,000 square feet on each side of the features crossed. Extra temporary workspaces that may be required outside the approved Route Width are identified on the maps attached to this Route Permit.

3.3 Right-of-Way Conformance

This permit anticipates that the right-of-way will generally conform to the alignment identified on the attached route permit maps unless changes are requested by individual landowners and agreed to by the Permittee or for unforeseen conditions that are encountered or are otherwise provided for by this permit.

Any right-of-way modifications within the designated route shall be located so as to have comparable overall impacts relative to the factors in Minn. R. 7852.1900, as does the right-of-way identified in this permit, and shall be specifically identified and documented in and approved as part of the plan and profile required by this permit.

4.0 STATE AND FEDERAL MINIMUM DEPTH OF COVER REQUIREMENTS

Minn. Stat. § 216G.07, subd. 1, requires the pipeline trench to be excavated to a depth that sufficiently allows for at least 54 inches (4.5 feet) of backfill from ground surface to the top of pipeline in all areas where the pipeline crosses the right-of-way of any public drainage facility or any county, town, or municipal street or highway and where the pipeline crosses agricultural land. Where the pipeline crosses the right-of-way of any drainage ditch the pipeline shall be installed with a minimum level cover of not less than 54 inches (4.5 feet) below the authorized depth of the ditch, unless waived in the manner provided in Minn. Stat. § 216G.07, subd. 2 and 3. In agricultural land, the Permittee may seek a depth requirement waiver from the affected landowners to install the pipeline at the same depth as required by U.S. Department of Transportation regulation 49 C.F.R. 192.327.

In all cases, the pipeline trench shall be excavated to a depth that sufficiently allows for at least 36 inches (3 feet) of backfill from ground surface to the top of pipeline.

5.0 GENERAL CONDITIONS

The Permittee shall comply with the following conditions during pipeline right-of-way preparation, construction, cleanup, and restoration over the life of this permit.

5.1 Construction Environmental Control Plan

The Permittee shall develop a Construction Environmental Control Plan (CECP) that includes all environmental control plans and special conditions imposed by permits or licenses issued by state or federal agencies related to agency-managed resources. Plans within the CECP shall include, but not be limited to, an Agricultural Impact Mitigation Plan, a Vegetation Management Plan, and a Stormwater Pollution Prevention Plan. The CECP shall be filed with the Commission as part of the initial Plan and Profile for each segment of the Project. The CECP must include the following items.

- (a) a detailed listing of environmental control plans or other special conditions imposed by permits or licenses issued by state or federal agencies relating to the Project;
- (b) identification of, and contact information for, an Environmental Monitor to oversee the construction process and monitor compliance with features of the CECP;
- (c) a description of the process for reporting on the status of project construction to the Commission; and
- (d) a description of construction management methods, including the tracking of required plan or permit inspection forms.

The Permittee shall comply with all additional conditions that may be added as a result of permits issued by other agencies or governmental units.

5.2 Agricultural Impact Mitigation Plan

The Permittee shall comply with the Agricultural Impact Mitigation Plan (AIMP) prepared for this Project and approved by the Minnesota Department of Agriculture. The Permittee shall distribute the AIMP with the route permit to all affected landowners. The obligation to comply with the AIMP as a condition of this permit shall expire with the termination of Commission jurisdiction over this permit as prescribed by Minn. R. 7852.3900, unless otherwise specified in the AIMP. The Minnesota Department of Agriculture must approve of any amendments to the AIMP. The Permittee shall file the amended AIMP with the Commission within 10 days of Minnesota Department of Agriculture approval.

5.3 Vegetation Management Plan

The Permittee must develop a Vegetation Management Plan (VMP). The VMP shall be developed in consultation with the Minnesota Department of Natural Resources. The purpose of the VMP shall be to identify measures to minimize the disturbance and removal of vegetation for the Project, prevent the introduction of noxious weeds and invasive species, and re-vegetate disturbed non-cropland areas with appropriate native species in cooperation with landowners and state, federal, and local resource agencies, in such a way that does not negatively impact the safe and reliable operation of the Project.

5.4 Permit Distribution

Within 10 days of permit issuance, the Permittee shall send a copy of the permit and the complaint procedures to the office of each regional development commission, soil and water conservation district, watershed district, watershed management district, the Olmsted County Auditor, and the clerk of each city and township crossed by the designated route.

Within 30 days of permit issuance, the Permittee shall provide all affected landowners with a copy of this permit and the complaint procedures. In no case shall the landowner receive this route permit and complaint procedures less than five days prior to the start of construction on their property. An affected landowner is any landowner or designee that is within or adjacent to the permitted route.

The Permittee shall provide all affected landowners with complete information about the project keeping them informed throughout the initial survey, right-of-way acquisition, right-of-way preparation, construction, restoration, and future operation and maintenance. As provided by applicable laws and regulations the Permittee shall provide educational materials about the project and any restrictions or dangers associated with the project to landowners within the route whose land is crossed by the pipeline and, upon request, to any interested persons.

5.5 Notification

The Permittee shall notify landowners or their designee at least 14 days in advance but not greater than 60 days in advance of entering the property.

5.6 Construction Practices

The Permittee shall follow those specific construction practices and material specifications described in Minnesota Energy Resource Corporation's Rochester Nature Gas Pipeline Route

Permit Application dated November 3, 2015 as subsequently amended on January 13, 2016, and the record of the proceedings unless this permit establishes a different requirement in which case this permit shall prevail. The Permittee shall comply with the conditions for right-of-way preparation, construction, cleanup, and restoration contained in Minn. R. 7852.3600.

5.6.1 Field Representative

The Permittee shall designate a field representative responsible for overseeing compliance with the conditions of this permit during construction of the project. This person shall be accessible by telephone or other means during normal business hours throughout site preparation, construction, cleanup, and restoration.

The Permittee shall file with the Commission the name, address, email, phone number, and emergency phone number of the field representative 14 days prior to commencing construction. The Permittee shall provide the field representative's contact information to affected landowners, residents, local government units and other interested persons 14 days prior to commencing construction. The Permittee may change the field representative at any time by e-Filing notice to the Commission, updating the project website, and providing affected landowners, residents, local government units and other interested persons with the current contact information.

5.6.2 Agricultural Monitor and County Inspector Notification Requirements

The Permittee shall at least 14 days prior to the start of construction provide notice to all landowners affected by construction with the name, telephone number and email address of the Agricultural Monitor and County inspector designated by the County, if appointed.

5.6.3 Employee Training and Education of Permit Terms and Conditions

The Permittee shall inform all employees, contractors, and other persons involved in construction of the terms and conditions of this permit.

5.6.4 Public Services, Public Utilities, and Existing Easements

During construction, the Permittee shall minimize any disruption to public services or public utilities. To the extent disruptions to public services or public utilities occur these would be temporary and the Permittee will restore service promptly. Where any impacts to utilities have the potential to occur the Permittee will work with both landowners and local agencies to determine the most appropriate mitigation measures if not already considered as part of this permit.

The Permittee shall cooperate with all entities that have existing easements or infrastructure within the pipeline route to ensure minimal disturbance to existing or planned developments.

5.6.5 Access to Property for Construction

The Permittee shall obtain all necessary permits authorizing access to public rights-of-way prior to any construction. The Permittee shall obtain approval of the landowners for access to private property prior to any construction. The Permittee shall consult with property owners to identify and address any special problems the landowners may have that are associated with the pipeline prior to any construction.

The Permittee shall work with landowners to provide access to their property, to locate the pipeline on their property to minimize the loss of agricultural land, forest, and wetlands, with due regard for proximity to homes and water supplies, even if the deviations will increase the cost of the pipeline, so long as the landowner's requested relocation does not adversely affect environmentally sensitive areas.

The Permittee shall negotiate agreements with landowners that will give the landowners access to their property; minimize the impact on planned future development of the property; and to assume any additional costs for such development that may be the result of installing roads, driveways and utilities that must cross the right-of-way. The Permittee shall not unreasonably deny a landowner's request to cross the easement to access the landowner's property.

5.6.6 Noise

The Permittee shall comply with noise standards established under Minn. R. 7030.0010 to 7030.0080. Construction and maintenance activities shall be limited to daytime working hours to the extent practicable to ensure nighttime noise level standards will not be exceeded.

5.6.7 Site Sediment and Erosion Control

The Permittee shall develop a Soil Erosion and Sediment Control Plan prior to construction and submit the Plan to the Commission at least 14 days prior to the start of construction. This Plan may be the same as the Storm Water Pollution Prevention Plan (SWPPP) submitted to the MPCA as part of the National Pollutant Discharge Elimination System (NPDES)/State Disposal System (SDS) Construction Stormwater Permit application provided it identifies the information in the following paragraph.

The Soil Erosion and Sediment Control Plan shall address what types of erosion control measures will be implemented during each Project phase and shall at a minimum identify: plans

for grading, construction, and restoration of the areas affected by construction activities; necessary soil information; detailed design features to maintain downstream water quality; a comprehensive re-vegetation plan to maintain and ensure adequate erosion control and slope stability and to restore the site after temporary activities; and measures to minimize the area of surface disturbance.

Other practices shall include containing excavated material, protecting exposed soil, and stabilizing restored material and removal of silt fences or barriers when the area is stabilized. The plan shall identify methods for disposal or storage of excavated material. Erosion and sedimentation control measures shall be implemented prior to construction and maintained until restoration activities are completed for each phase of the Project. All areas disturbed during construction shall be returned to pre-construction conditions to the extent practicable.

5.6.8 Topsoil Protection

The Permittee shall take precautions to minimize mixing of topsoil and subsoil during excavation of the trench for the pipe unless otherwise negotiated with the affected landowner.

5.6.9 Soil Compaction

Compaction of agricultural lands by the Permittee must be kept to a minimum and mitigated in accordance with the Agricultural Mitigation Plan.

5.6.10 Landscape Preservation

Care shall be used to preserve the natural landscape, minimize tree removal and prevent any unnecessary destruction of the natural surroundings in the vicinity of all pipeline construction and restoration activities.

5.6.11 Sensitive Areas

The Permittee shall stabilize stream banks and other sensitive areas disturbed by pipeline construction in accordance with the requirements of applicable state or federal permits.

5.6.12 Wetlands and Water Resources

Wetlands and riparian areas shall be accessed using the shortest route possible in order to minimize travel through wetland areas and prevent unnecessary impacts. No temporary workspace areas shall be placed within or adjacent to wetlands or water resources, as practicable. To minimize impacts, construction in wetland areas shall occur during frozen ground conditions

where practicable and shall be according to permit requirements by the applicable permitting authority. When construction during winter is not possible, wooden or composite mats shall be used to protect wetland vegetation. Soil excavated from the wetlands and riparian areas shall be contained and not placed back into the wetland or riparian area.

Dewatering during periods of excessive precipitation or in areas where the natural groundwater table intersects the pipeline trench will not be directed into wetlands or water bodies. Dewatering discharges will be directed toward well vegetated upland areas. Should discharge activities need to be directed off the right-of-way landowner consent will be obtained and locations will be chosen to minimize impacts. All discharge activities will comply with applicable agency permits or approvals.

Areas disturbed by construction activities shall be restored to pre-construction conditions. Restoration of the wetlands will be performed by Permittee in accordance with the requirements of applicable state and federal permits or laws and landowner agreements.

All requirements of the U.S. Army Corps of Engineers (wetlands under federal jurisdiction), Minnesota Department of Natural Resources (Public Waters/Wetlands), and County (wetlands under the jurisdiction of the Minnesota Wetland Conservation Act) shall be met.

5.6.13 Vegetation Removal and Protection

The Permittee shall clear the permanent right-of-way and temporary right-of-way preserving to the maximum extent practicable windbreaks, shelterbelts, living snow fences, and vegetation in areas such as trail and stream crossings where vegetative screening may minimize aesthetic impacts, to the extent that such actions do not impact the safe operation, maintenance, and inspection of the pipeline and are in compliance with all applicable laws and regulations.

Tree stumps will be removed at the landowner's request or when necessitated due to trench location. The Permittee will dispose or compost of debris created by clearing at a licensed disposal or recycling facility. The Permittee may compost wood chips or other small vegetation on site with the landowner's written permission. Burning of slash, brush, stumps, or other project debris is prohibited.

5.6.14 Application of Pesticides

The Permittee shall restrict pesticide use to those pesticides and methods of application approved by the Minnesota Department of Agriculture, Minnesota Department of Natural Resources, and the U.S. Environmental Protection Agency. Selective foliage or basal application shall be used when practicable. The Permittee shall contact the landowner or his designee to obtain approval

for the use of pesticide prior to any application on their property. The landowner may request that there be no application of pesticides on any part of the right-of-way within the landowner's property. All pesticides shall be applied in a safe and cautious manner so as not to damage crops, orchards, tree farms, or gardens. The Permittee shall provide notice of pesticide application to affected landowners and known beekeepers operating apiaries within three miles of the project site at least 14 days prior to such application.

5.6.15 Invasive Species

The Permittee shall employ best management practices to avoid the potential spread of invasive species on lands disturbed by project construction activities.

5.6.16 Noxious Weeds

The Permittee shall take all reasonable precautions against the spread of noxious weeds during all phases of pipeline construction and restoration of all areas affected by construction. When utilizing seed to establish temporary and permanent vegetative cover on exposed soil the Permittee shall select site appropriate seed certified to be free of noxious weeds. To the extent possible, the Permittee shall use native seed mixes. The Permittee shall consult with landowners on the selection and use of seed for replanting.

5.6.17 Roads (Public and Private)

Equipment involved in pipeline construction shall be moved into the right-of-way using existing public or private roads unless a temporary road is negotiated with the landowner and approved by the Environmental Monitor.

Prior to commencement of construction, the Permittee shall identify all state, county or township roads that will be used for the project and shall notify the state, county, city and township governing body having jurisdiction over the roads to determine if the governmental body needs to inspect the roads prior to use of these roads. The Permittee is responsible for maintenance and repair of roads that will be subject to extra wear and tear due to transportation of equipment and project related materials. The Permittee shall cooperate with state, county city, and township road authorities to develop appropriate signage and traffic management during construction.

The Permittee shall promptly repair private roads or lanes damaged when moving equipment or when accessing construction workspace, unless otherwise negotiated with the affected landowner.

5.6.18 Archaeological and Historic Resources

The Permittee shall make every effort to avoid impacts to identified archaeological and historic resources when constructing the transmission facility. In the event that a resource is encountered, the Permittee shall contact and consult with the State Historic Preservation Office and the State Archaeologist. Where feasible, avoidance of the resource is required. Where not feasible, mitigation must include an effort to minimize project impacts on the resource consistent with State Historic Preservation Office and State Archaeologist requirements.

Prior to construction, workers shall be trained about the need to avoid cultural properties, how to identify cultural properties, and procedures to follow if undocumented cultural properties, including gravesites, are found during construction. If human remains are encountered during construction, the Permittee shall immediately halt construction and promptly notify local law enforcement and the State Archaeologist. Construction at such location shall not proceed until authorized by local law enforcement or the State Archaeologist.

If any federal funding, permit or license is involved or required, the Permittee shall complete any Section 106 review per 36 C.F.R. part 800 in coordination with the federal agency/authority.

5.6.19 Livestock

The Permittee shall take precautions to protect livestock during construction and restoration of the areas affected by construction.

5.6.20 Security

The Permittee will install temporary gates or similar barriers, as needed, to prohibit public access to the right-of-way during construction.

5.6.21 Restoration

The Permittee shall restore the right-of-way, temporary work spaces, access roads, abandoned right-of-way, and other public or private lands affected by construction of the pipeline to the natural conditions that existed immediately before construction of the pipeline and as required by other federal and state agency permits. Restoration must be compatible with the safe operation, maintenance, and inspection of the pipeline. Within 60 days after completion of all restoration activities the Permittee shall advise the Commission in writing of the completion of such activities.

5.6.22 Cleanup

All waste and scrap that is the product of construction shall be removed from the right-of-way and all premises on which construction activities were conducted and properly disposed of upon completion of each task. Personal litter, including bottles, cans, and paper from construction activities shall be removed on a daily basis.

5.6.23 Pollution and Hazardous Wastes

All appropriate precautions to protect against pollution of the environment must be taken by the Permittee. The Permittee shall be responsible for compliance with all laws applicable to the generation, storage, transportation, clean up and disposal of all wastes generated during pipeline construction and restoration of the right-of-way.

5.6.24 Damages

The Permittee shall fairly restore or compensate landowners for damage to crops, fences, private roads and lanes, landscaping, drain tile, or other damages sustained during construction.

5.7 Other Requirements

The Permittee shall comply with all applicable state rules and statutes. The Permittee shall obtain all required permits for the project and comply with the conditions of those permits unless those permits conflict with or are preempted by federal or state permits and regulations. The list of the required permits included in the permit application must be updated as necessary. The Permittee shall submit a copy of such permits to the Commission upon request.

6.0 SPECIAL CONDITIONS

Special conditions shall take precedence over other conditions of this permit should there be a conflict.

6.1 Wildlife-Friendly Erosion Control Materials

The Permittee, in coordination with the Minnesota Department of Natural Resources, shall use wildlife-friendly erosion control materials in areas known to be inhabited by wildlife species (birds, small mammals, reptiles, and amphibians) susceptible to entanglement in plastic netting.

6.2 Rare Species Surveys

The Permittee, in consultation with the U.S. Fish and Wildlife Service and the Minnesota Department of Natural Resources, will determine the need for rare species surveys (pre-

construction) within the designated route. In the areas where these species are known to exist or where the right-of-way passes through habitats where the species are likely to exist, field surveys may be required. In the event impacts cannot be avoided, the Permittee may need to obtain a take permit from the U.S Fish and Wildlife Service and the DNR for the species of concern. The Permittee shall submit the results of these efforts to the Commission with its Plan and Profile filing.

Construction and maintenance personnel will be made aware of rare resources and plant communities during pre-construction meetings to minimize potential disturbance. The Permittee shall avoid impacts to state-listed endangered, threatened, and special concern species in all areas of the project including temporary workspaces associated with the project.

6.3 Contamination Survey

The Permittee, in consultation with the MPCA, shall identify any contaminated site(s) as it performs its detailed survey and acquisition work prior to the submittal of the final plan and profile to the Commission.

6.4 Specific Landowner Condition – Oldfield Property

The Permittee may modify the alignment of the approved route in Mr. Oldfield's property to locate the pipeline as close to the property boundary as is practicable and agreeable to both parties.

7.0 DELAY IN CONSTRUCTION

If the Permittee has not commenced construction or improvement of the route within four years after the date of issuance of this permit the Commission shall suspend the permit in accordance with Minn. R. 7852.3300. If at the time of suspension, or at a later time, the Permittee decides to construct the pipeline, it shall certify to the Commission that there have been no significant changes in any material aspects of the conditions or circumstances existing when the permit was issued. If the Commission determines that there are no significant changes, it shall reinstate the permit. If the Commission determines that there is a significant change, it may order public information meetings or a new hearing and consider the matter further, or it may require the Permittee to submit a new application.

8.0 COMPLAINT PROCEDURES

Prior to the start of construction, the Permittee shall submit to the Commission the procedures that will be used to receive and respond to complaints. The procedures shall be in accordance

with the requirements of Minn. R. 7852.3700, and as set forth in the complaint procedures attached to this permit. The Permittee shall advise the Commission when such procedure has been established.

The Permittee shall notify the Commission of any complaints received during the course of construction pertaining to Minn. R. 7852.3600 that are not resolved within 30 days of the complaint.

Upon request, the Permittee shall assist the Commission with the disposition of unresolved or longstanding complaints. This assistance shall include, but is not limited to, the submittal of complaint correspondence and complaint resolution efforts.

9.0 PIPELINE SAFETY

In an emergency situation, responders will take appropriate actions necessary to address the emergency. Pursuant to Minn. Stat. § 216G.02, subd. 3(a) the pipeline routing permit may not set safety standards for the construction of the pipeline. This would also apply to operation and maintenance. Therefore, this Pipeline Routing Permit does not address pipeline safety related issues.

10.0 COMPLIANCE REQUIREMENTS

Failure to timely and properly make compliance filings required by this permit is a failure to comply with the conditions of this permit. Compliance filings must be electronically filed with the Commission.

10.1 Plan and Profile

At least 30 days before right-of-way preparation for construction begins on any segment or portion of the project, the Permittee shall provide the Commission with a plan and profile of the right-of-way and the specifications and drawings for right-of-way preparation, construction, cleanup, and restoration for the segment of pipeline for which construction is scheduled. The documentation shall include maps depicting the plan and profile including the designated route, right-of-way, and pipeline alignment approved per this permit.

The Permittee may not commence construction until the 30 days has expired or until the Commission has advised the Permittee in writing that it has completed its review of the plan and profile documents and determined that the planned construction is consistent with this permit. If the Permittee intends to make any significant changes in its plan and profile or the specifications and drawings after submission to the Commission the Permittee shall notify the Commission at

least five days before implementing the changes. No changes shall be made that would be in violation of any of the terms of this permit.

The Permittee shall also provide the Minnesota Office of Pipeline Safety with the same information provided to the Commission. The Permittee's plan and profile and specifications and drawings, shall become a condition of this permit and shall be complied with by the Permittee in accordance with Minn. R. 7852.3500.

10.2 Status Reports

The Permittee shall report to the Commission on progress during finalization of the route and construction of the pipeline. Reports shall begin with the submittal of the plan and profile for the project and continue until completion of restoration. The Permittee shall report weekly during construction or restoration or monthly during periods where no construction or restoration activity is occurring.

10.3 Notification to Commission

At least three days before each phase of the project is to be placed into service, the Permittee shall notify the Commission of the date on which the project will be placed into service and the date on which construction was complete.

10.4 As-Builts

Within 90 days after completion each phase of construction, the Permittee shall submit copies of all final as-built plans and specifications developed during the project.

10.5 GPS Data

Within 90 days after completion of construction, the Permittee shall submit to the Commission, in the format requested by the Commission, geo-spatial information (e.g., ArcGIS compatible map files, GPS coordinates, associated database of characteristics) for the pipeline and associated facilities.

11.0 RIGHT OF ENTRY

The Permittee shall allow Commission designated representatives to perform the following, upon reasonable notice, upon presentation of credentials and at all times in compliance with the Permittee's site safety standards:

- a. To enter upon the facilities easement of the property for the purpose of obtaining information, examining records, and conducting surveys or investigations.
- b. To bring such equipment upon the facilities easement of the property as is necessary to conduct such surveys and investigations.
- c. To sample and monitor upon the facilities easement of the property.
- d. To examine and copy any documents pertaining to compliance with the conditions of this permit.

12.0 PERMIT AMENDMENT

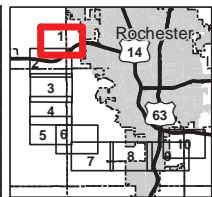
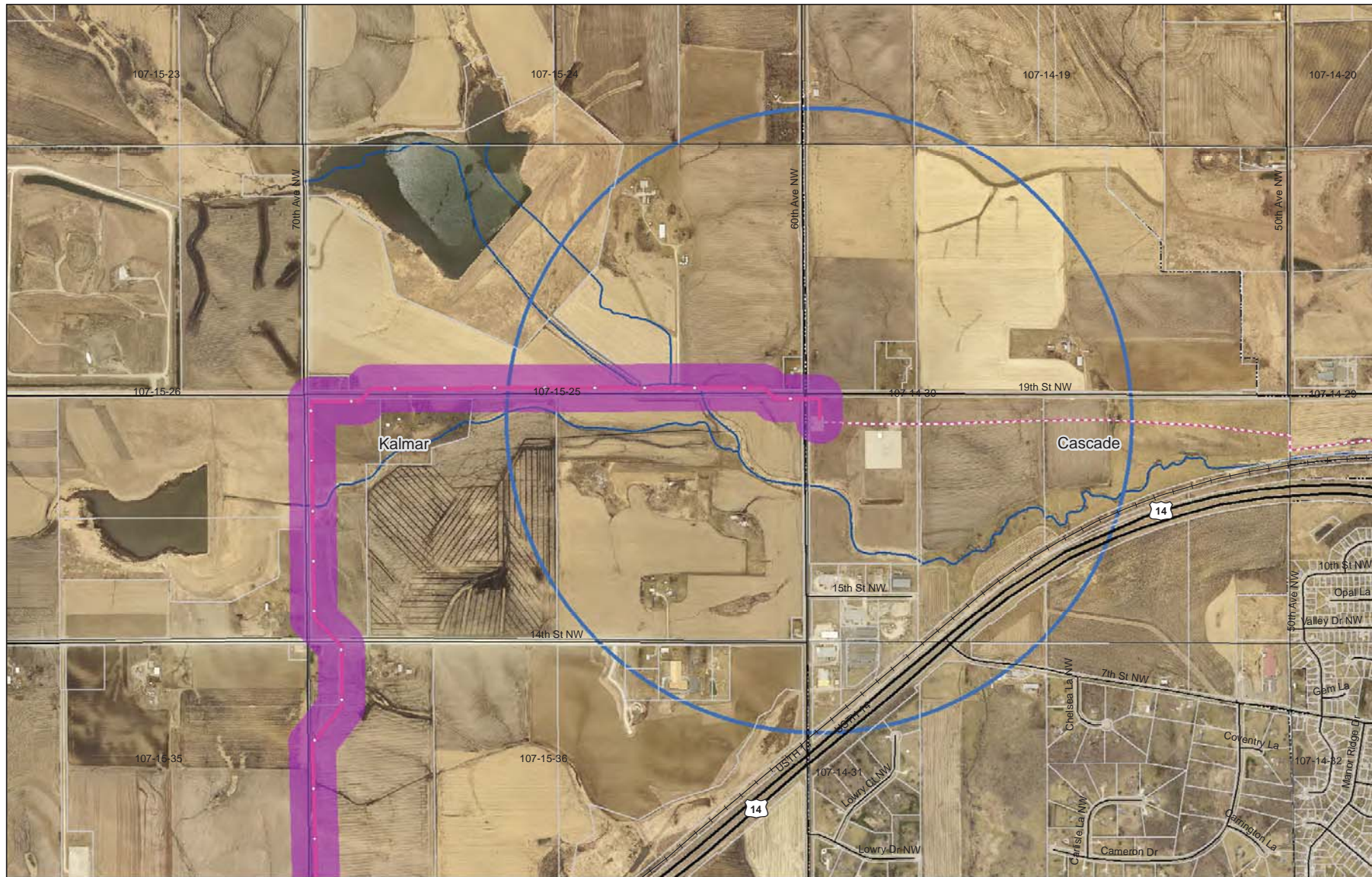
The Permittee may apply to the Commission for an amendment of the route designation or to conditions specified in the permit in accordance with the requirements and procedures of Minn. R. 7852.3400.

13.0 PERMIT MODIFICATION OR SUSPENSION

If the Commission determines that substantial evidence supports a finding that a violation of the terms or conditions of this pipeline routing permit has occurred or is likely to occur, it may take action to modify or suspend this permit in accordance with Minn. R. 7852.3800. The Commission may at any time re-consider modification or suspension of this permit if the Permittee has undertaken effective measures to correct the violations.

14.0 PIPELINE CONSTRUCTION COMPLETION CERTIFICATE

In accordance with Minn. R. 7852.3900, the Permittee shall file with the Commission a written certification that the construction and remediation of the permitted pipeline has been completed in compliance with all permit conditions and landowner agreements. The certification shall be considered by the Commission within 60 days of its filing. The Commission shall accept or reject the certification of completion and make a final determination regarding cost or reimbursements due. If the certification is rejected, the Commission shall inform the Permittee in writing which deficiencies, if corrected, will allow the certification to be accepted. When corrections to the deficiencies are completed, the Permittee shall notify the Commission, and the certification shall be reconsidered as soon as possible. After acceptance of the certification, the Commission's jurisdiction over the Permittee's pipeline routing permit shall be terminated.



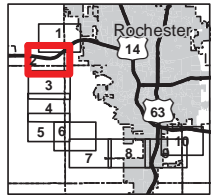
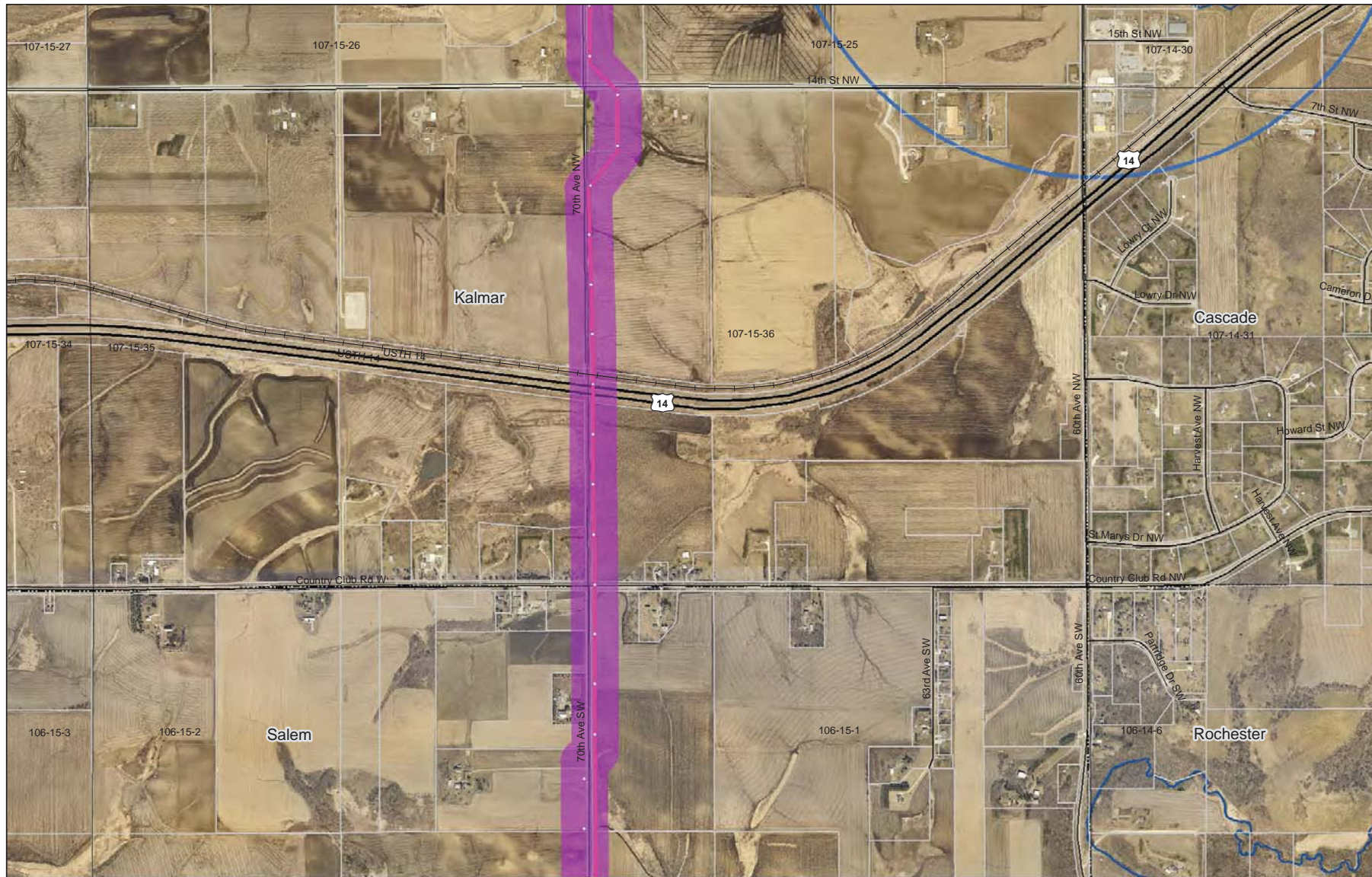
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- Railroad
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PROPOSED ROUTE PERMIT MAPS

Rochester Natural Gas Pipeline

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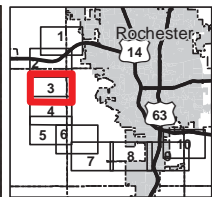
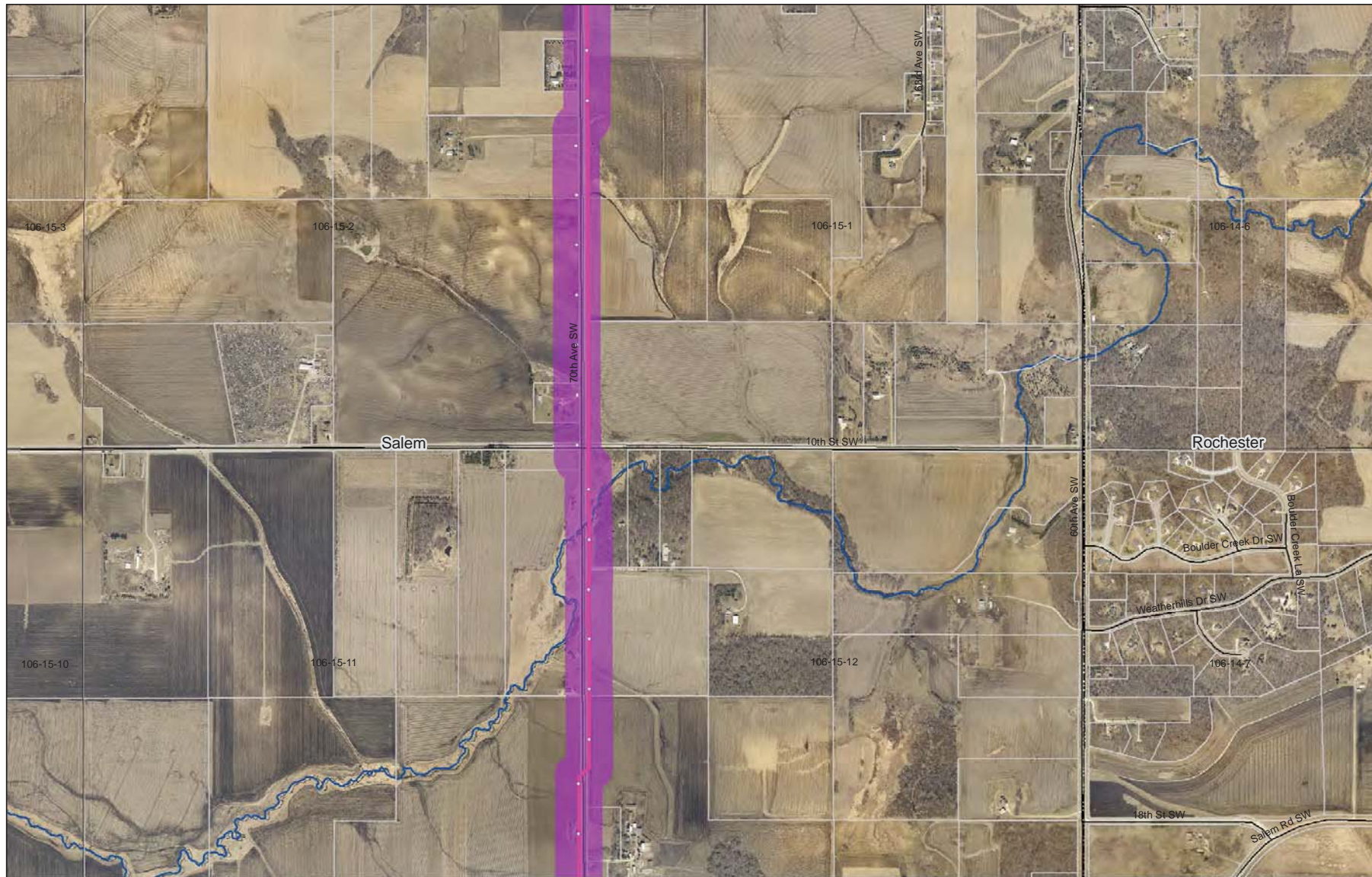
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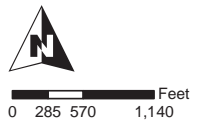
PROPOSED ROUTE PERMIT MAPS

Rochester Natural Gas Pipeline

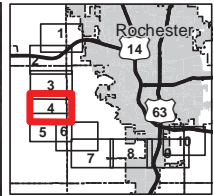
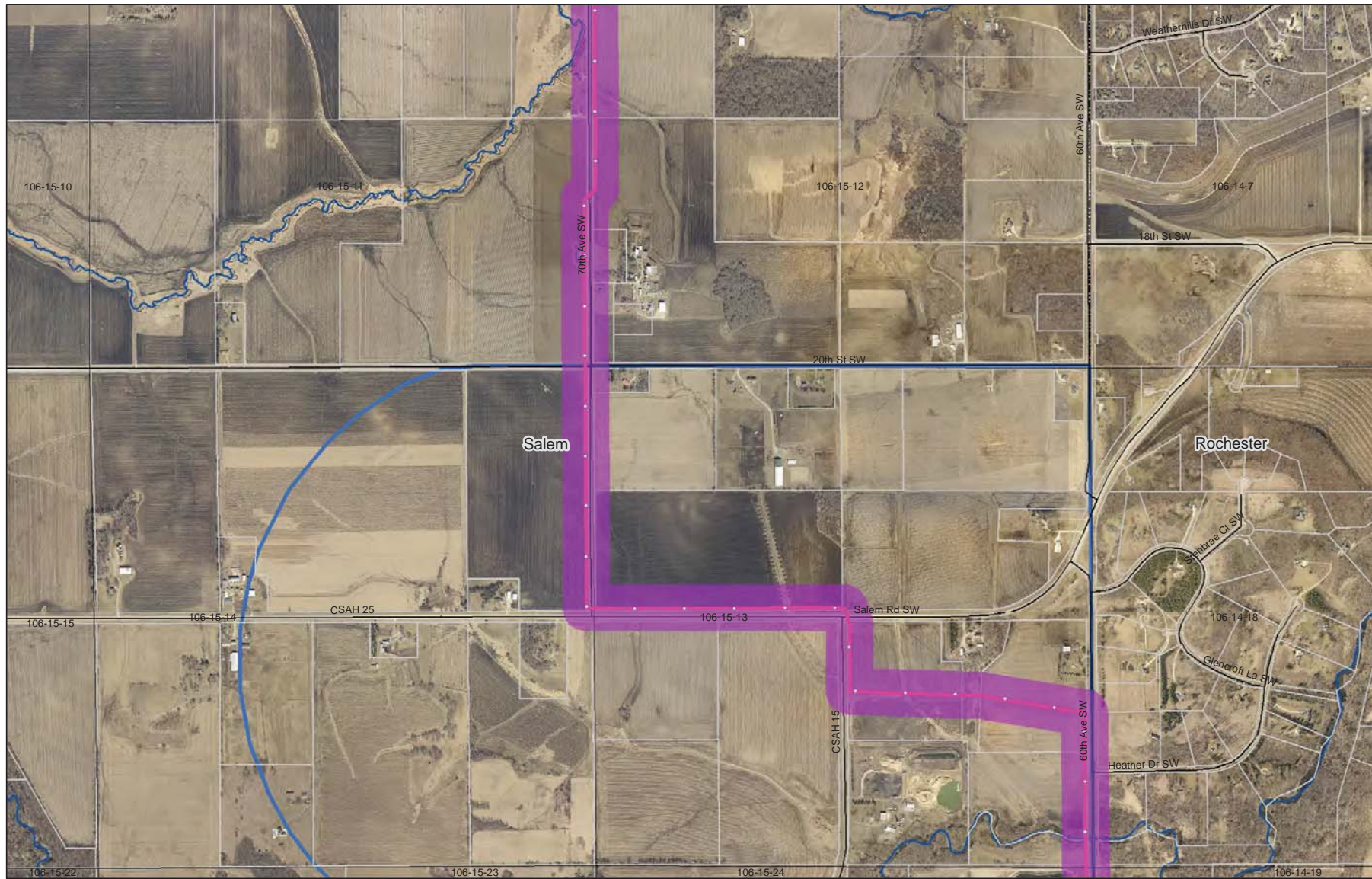
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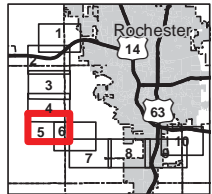
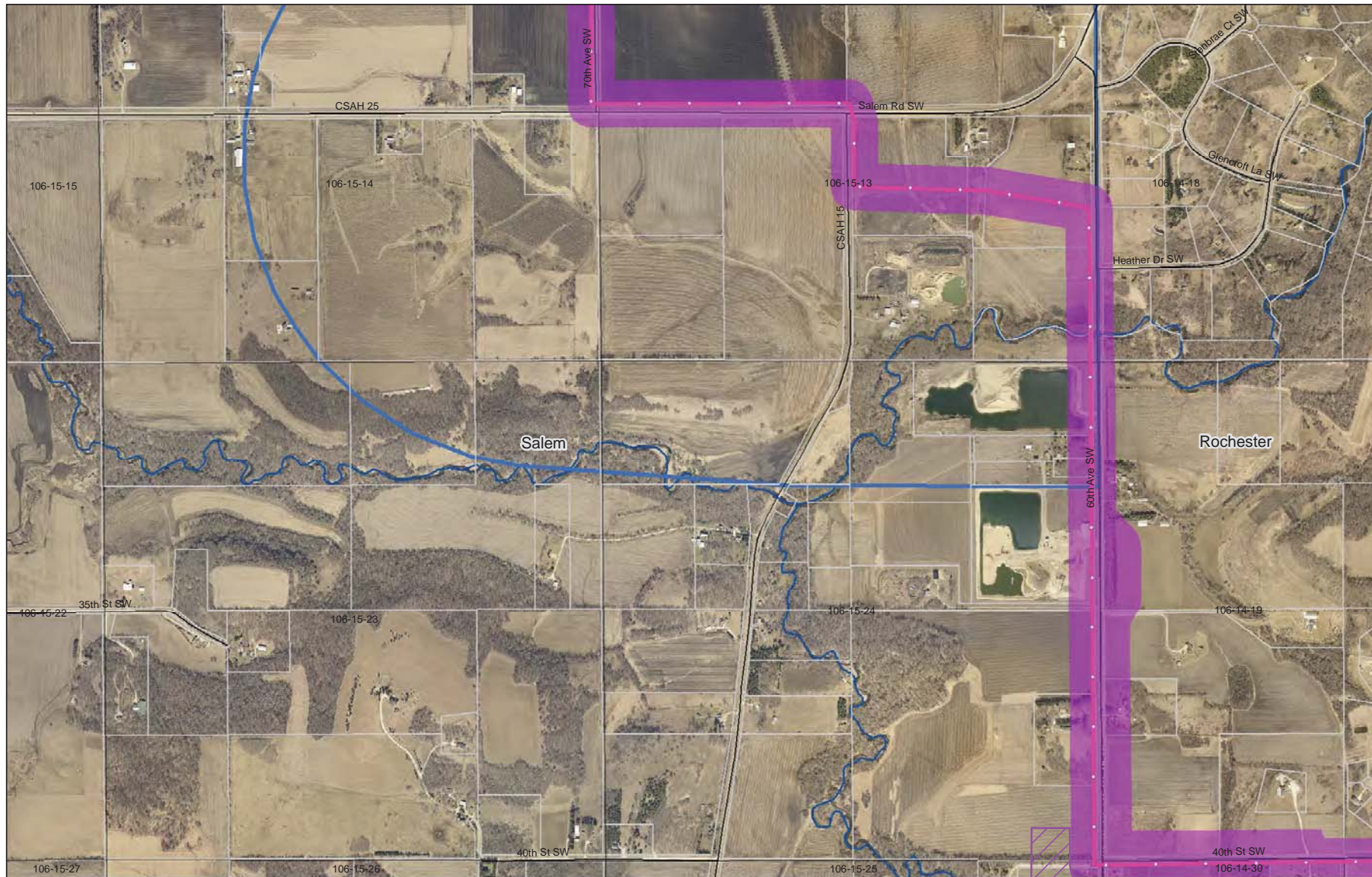
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PROPOSED ROUTE PERMIT MAPS

Rochester Natural Gas Pipeline

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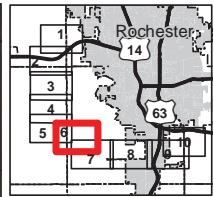
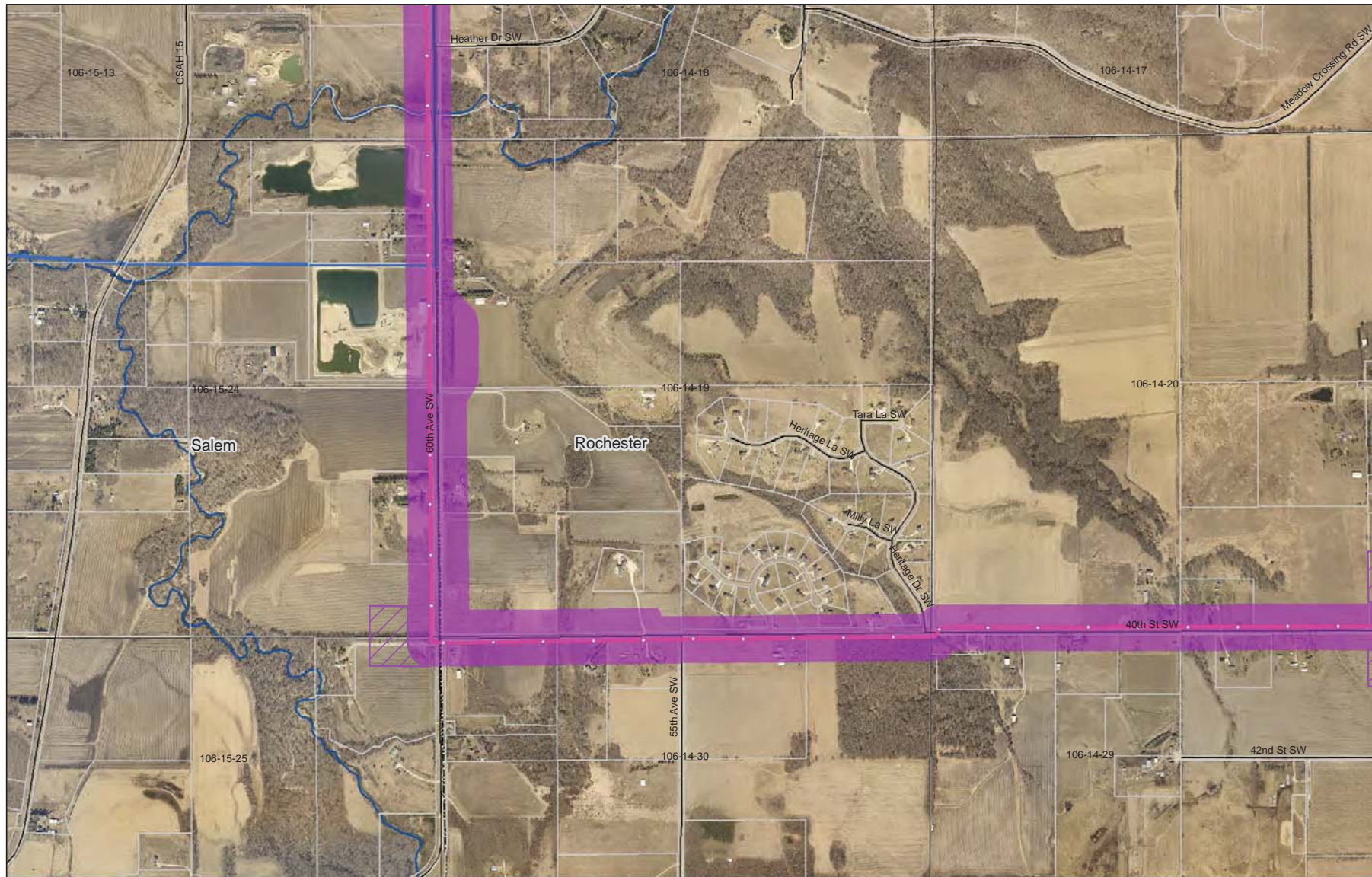
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PROPOSED ROUTE PERMIT MAPS

Rochester Natural Gas Pipeline

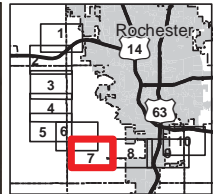
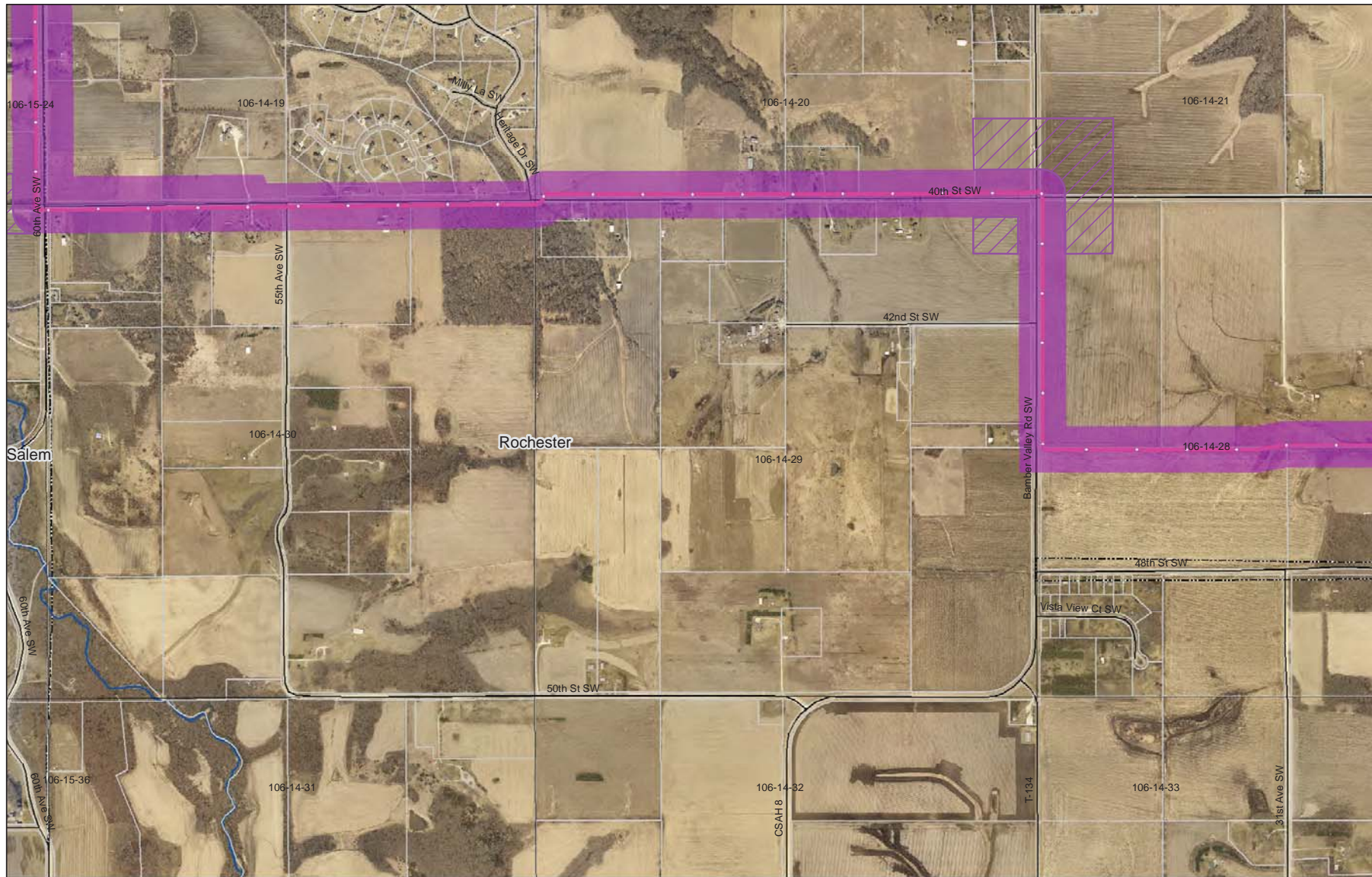
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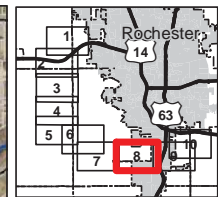
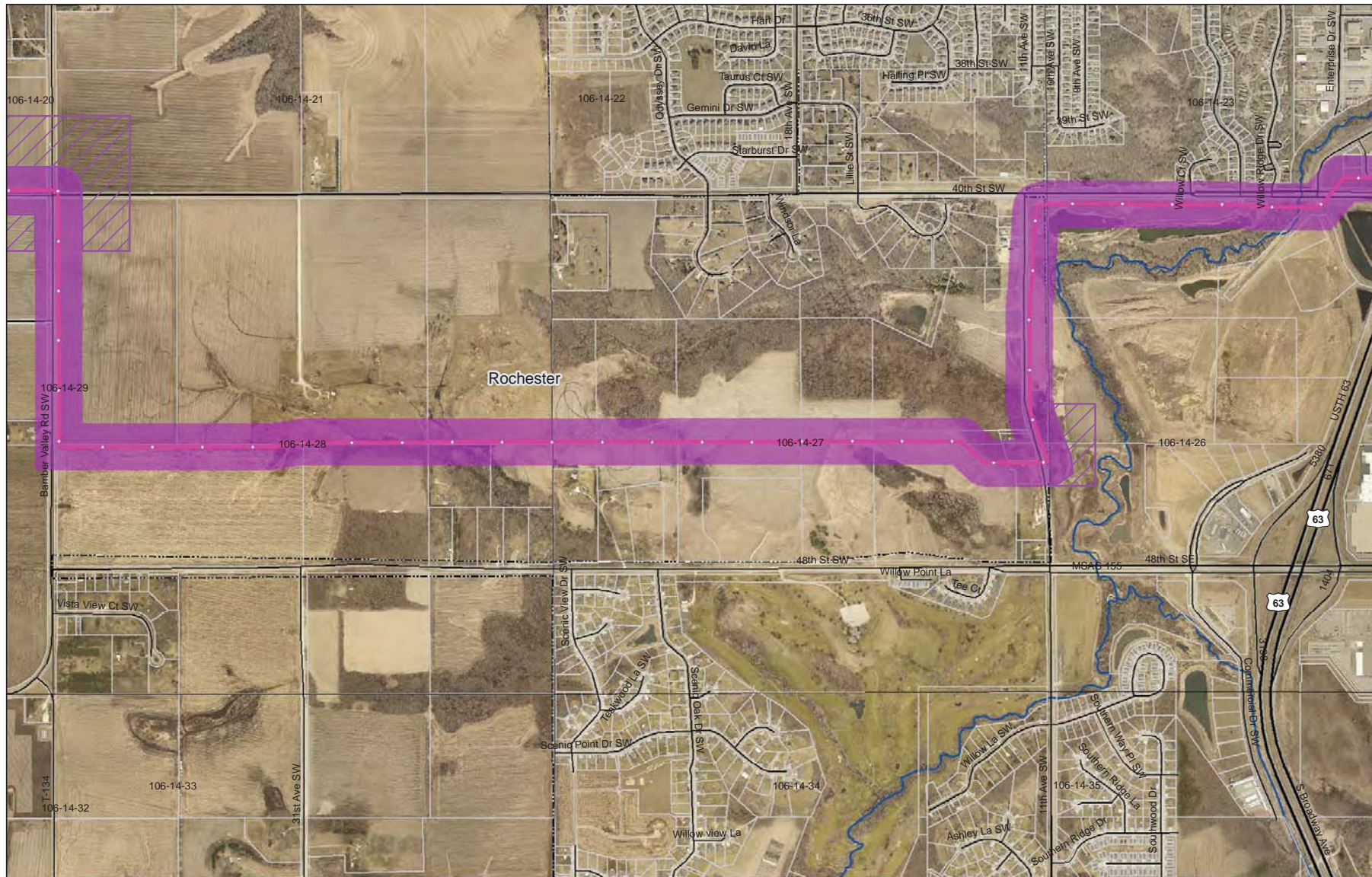


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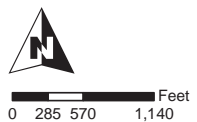


PROPOSED ROUTE PERMIT MAPS

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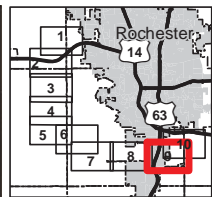
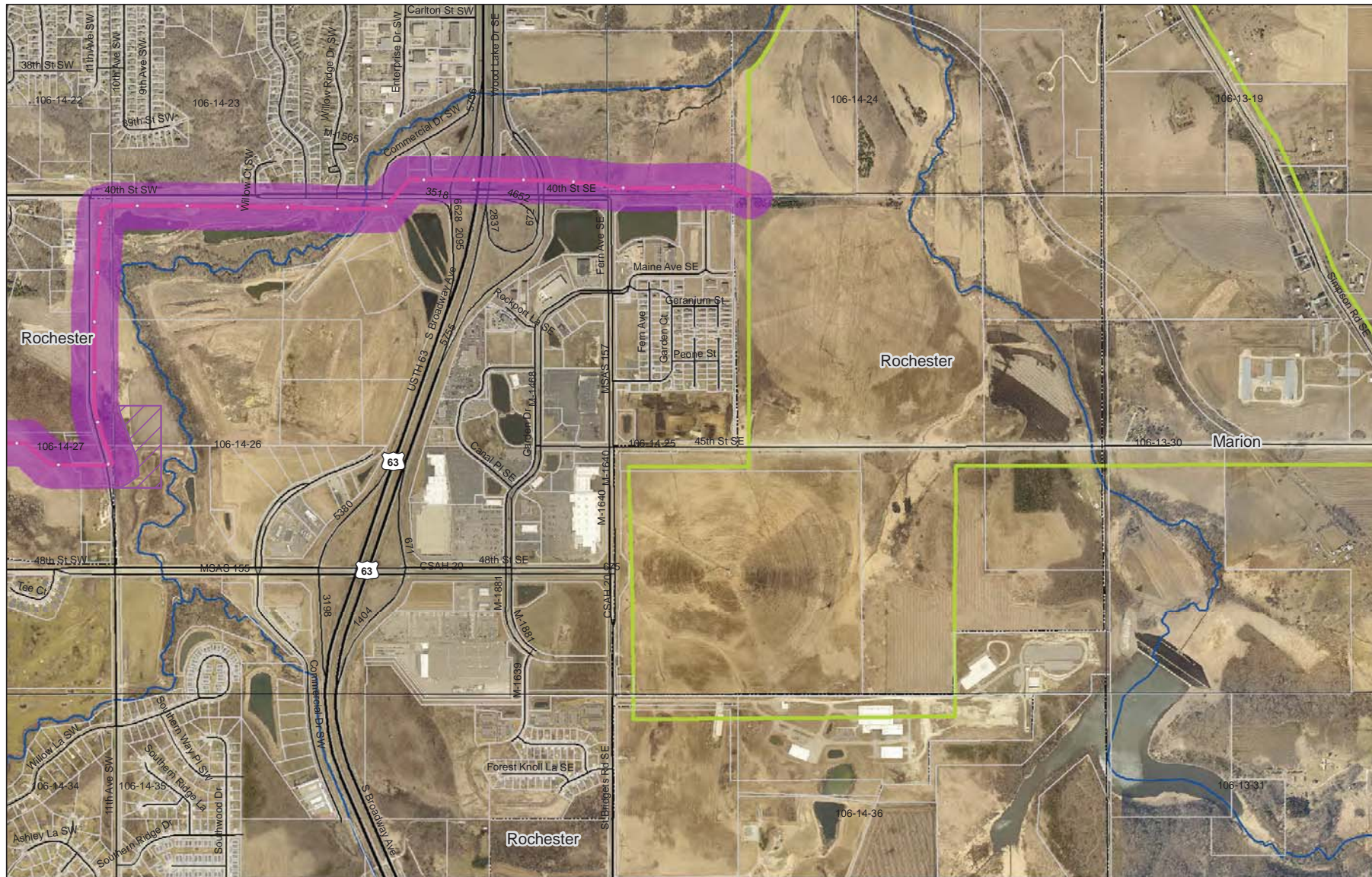
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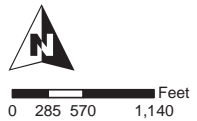
PROPOSED ROUTE PERMIT MAPS

Rochester Natural Gas Pipeline

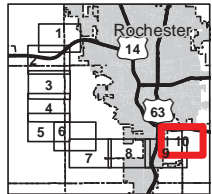
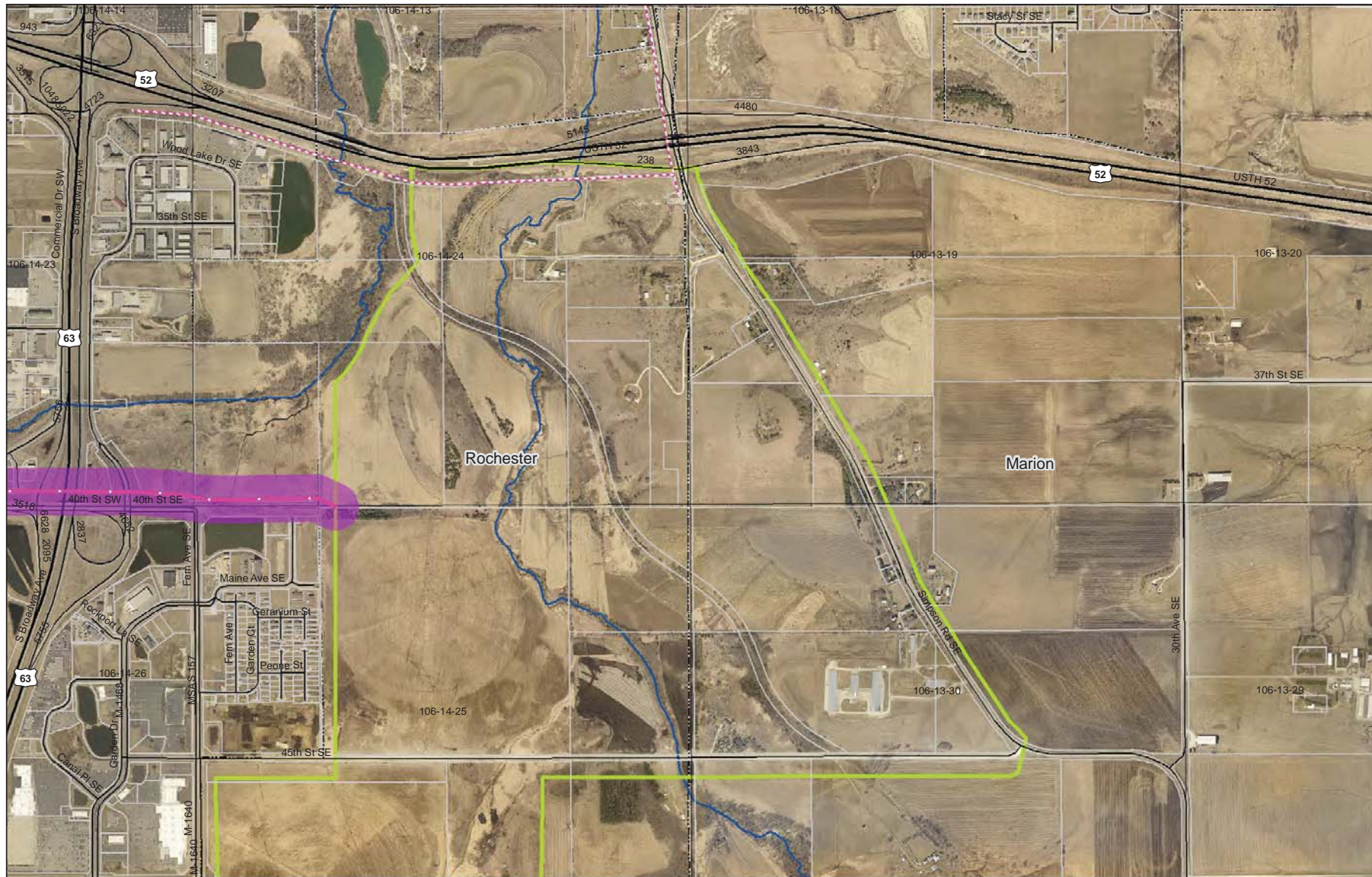
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PROPOSED ROUTE PERMIT MAPS

Rochester Natural Gas Pipeline

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**MINNESOTA PUBLIC UTILITIES COMMISSION
COMPLAINT HANDLING PROCEDURES FOR
PERMITTED ENERGY FACILITIES**

A. Purpose

To establish a uniform and timely method of reporting and resolving complaints received by the permittee concerning permit conditions for site preparation, construction, cleanup, restoration, operation, and maintenance.

B. Scope

This document describes complaint reporting procedures and frequency.

C. Applicability

The procedures shall be used for all complaints received by the permittee and all complaints received by the Minnesota Public Utilities Commission (Commission) under Minn. R. 7829.1500 or Minn. R. 7829.1700 relevant to this permit.

D. Definitions

Complaint: A verbal or written statement presented to the permittee by a person expressing dissatisfaction or concern regarding site preparation, cleanup or restoration or other route and associated facilities permit conditions. Complaints do not include requests, inquiries, questions or general comments.

Substantial Complaint: A written complaint alleging a violation of a specific permit condition that, if substantiated, could result in permit modification or suspension pursuant to the applicable regulations.

Unresolved Complaint: A complaint which, despite the good faith efforts of the permittee and a person, remains unresolved or unsatisfactorily resolved to one or both of the parties.

Person: An individual, partnership, joint venture, private or public corporation, association, firm, public service company, cooperative, political subdivision, municipal corporation, government agency, public utility district, or any other entity, public or private, however organized.

E. Complaint Documentation and Processing

1. The permittee shall designate an individual to summarize complaints for the Commission. This person's name, phone number and email address shall accompany all complaint submittals.
2. A person presenting the complaint should to the extent possible, include the following information in their communications:
 - a. name, address, phone number, and email address;
 - b. date of complaint;
 - c. tract or parcel number; and
 - d. whether the complaint relates to a permit matter or a compliance issue.
3. The permittee shall document all complaints by maintaining a record of all applicable information concerning the complaint, including the following:
 - a. docket number and project name;
 - b. name of complainant, address, phone number and email address;
 - c. precise description of property or parcel number;
 - d. name of permittee representative receiving complaint and date of receipt;
 - e. nature of complaint and the applicable permit condition(s);
 - f. activities undertaken to resolve the complaint; and
 - g. final disposition of the complaint.

F. Reporting Requirements

The permittee shall commence complaint reporting at the beginning of project construction and continue through the term of the permit. The permittee shall report all complaints to the Commission according to the following schedule:

Immediate Reports: All substantial complaints shall be reported to the Commission the same day received, or on the following working day for complaints received after working hours. Such reports are to be directed to the Commission's Consumer Affairs Office at 1-800-657-3782 (voice messages are acceptable) or consumer.puc@state.mn.us. For e-mail reporting, the email subject line should read "PUC EFP Complaint" and include the appropriate project docket number.

Monthly Reports: During project construction and restoration, a summary of all complaints, including substantial complaints received or resolved during the preceding month, shall be filed by the 15th of each month to Daniel P. Wolf, Executive Secretary, Public Utilities Commission, using the eDockets system. The eDockets system is located at:
<https://www.edockets.state.mn.us/EFiling/home.jsp>

If no complaints were received during the preceding month, the permittee shall file a summary indicating that no complaints were received.

G. Complaints Received by the Commission

Complaints received directly by the Commission from aggrieved persons regarding site preparation, construction, cleanup, restoration, operation and maintenance shall be promptly sent to the permittee.

H. Commission Process for Unresolved Complaints

Commission staff shall perform an initial evaluation of unresolved complaints submitted to the Commission. Complaints raising substantial permit issues shall be processed and resolved by the Commission. Staff shall notify the permittee and appropriate persons if it determines that the complaint is a substantial complaint. With respect to such complaints, each party shall submit a written summary of its position to the Commission no later than ten days after receipt of the staff notification. The complaint will be presented to the Commission for a decision as soon as practicable.

I. Permittee Contacts for Complaints and Complaint Reporting

Complaints may be filed by mail or email to:

Amber Lee
Regulatory and Legislative Affairs manager
Minnesota Energy Resources Corporation
1995 Rahncliff Court, Suite 200
Eagan, MN 55122
aslee@minnesotaenergyresources.com
651-322-8965

This information shall be maintained current by informing the Commission of any changes as they become effective.

**MINNESOTA PUBLIC UTILITIES COMMISSION
COMPLIANCE FILING PROCEDURE FOR
PERMITTED ENERGY FACILITIES**

A. Purpose

To establish a uniform and timely method of submitting information required by Commission energy facility permits.

B. Scope and Applicability

This procedure encompasses all known compliance filings required by permit.

C. Definitions

Compliance Filing: A filing of information to the Commission, where the information is required by a Commission site or route permit.

D. Responsibilities

1. The permittee shall file all compliance filings with Daniel P. Wolf, Executive Secretary, Public Utilities Commission, through the eDockets system. The eDockets system is located at: <https://www.edockets.state.mn.us/EFiling/home.jsp>

General instructions are provided on the eDockets website. Permittees must register on the website to file documents.

2. All filings must have a cover sheet that includes:
 - a. Date
 - b. Name of submitter/permittee
 - c. Type of permit (site or route)
 - d. Project location
 - e. Project docket number
 - f. Permit section under which the filing is made
 - g. Short description of the filing

3. Filings that are graphic intensive (e.g., maps, engineered drawings) must, in addition to being electronically filed, be submitted as paper copies and on CD. Paper copies and CDs should be sent to: 1) Daniel P. Wolf, Executive Secretary, Minnesota Public Utilities Commission, 121 7th Place East, Suite 350, St. Paul, MN 55101-2147, and 2) Department of Commerce, Energy Environmental Review and Analysis, 85 7th Place East, Suite 500, St. Paul, MN 55101-2198.

The Commission may request a paper copy of any electronically filed document.

PERMIT COMPLIANCE FILINGS¹

PERMITTEE: Minnesota Energy Resources Corporation (MERC)
PERMIT TYPE: Natural Gas Pipeline Route Permit
PROJECT LOCATION: Olmsted County
PUC DOCKET NUMBER: G-11/GP-15-858

Filing Number	Permit Section	Description of Compliance Filing	Due Date
1	5.1	Construction Environmental Control Plan	Filed with Plan and Profile
2	5.2	Agricultural Impact Mitigation Plan	Filed with Plan and Profile
3	5.3	Vegetation Management Plan	Filed with Plan and Profile
4	5.4	Permit Distribution to the Public and Local Governments	Within 10 days of permit issuance to LGUs, Within 30 days to landowners
5	5.5	Notification to Landowners	Maintain contact log, file upon request and with As-Builts for each phase
6	5.6.1	Field Representative Notification	At least 14 days before construction
7	5.6.2	Agricultural Monitor & County Inspector Notification	At least 14 days before construction
8	5.6.3	Employee Training	Maintain Contract Log
9	5.6.7	Site Sediment and Erosion Control	At least 14 days before construction

¹ This compilation of permit compliance filings is provided for the convenience of the permittee and the Commission. It is not a substitute for the permit; the language of the permit controls.

Filing Number	Permit Section	Description of Compliance Filing	Due Date
10	5.6.14	Application of Pesticides	At least 14 days prior to application
11	5.6.21	Restoration	Within 60 days after completion
12	6.2	Rare Species Survey	If required, within 30 days of completion
13	6.3	Contamination Survey	Before Plan and Profile Submittal (see 10.1 below)
14	6.5.	Oldfield Property	With Plan and Profile
15	8.0	Complaint Procedures	Any unresolved after 30 days to be files with Status Report(s) (see 10.2 below)
16	10.1	Plan and Profile	At least 30 Days before right-of-way preparation. May be done in phases. Copy Minnesota Office of Pipeline Safety
17	10.2	Status Reports	Weekly during project construction and restoration, otherwise monthly
18	10.3	Notification to Commission	At least 3 days before completion of each phase
19	10.4	As-Builts	Within 90 days after completion of each phase
20	10.5	GPS Data	Within 90 days of completion of each phase

Filing Number	Permit Section	Description of Compliance Filing	Due Date
21	14.0	Pipeline Completion Certification	At least 30 days prior to completion

CERTIFICATE OF SERVICE

I, Margie DeLaHunt, hereby certify that I have this day, served a true and correct copy of the following document to all persons at the addresses indicated below or on the attached list by electronic filing, electronic mail, courier, interoffice mail or by depositing the same enveloped with postage paid in the United States mail at St. Paul, Minnesota.

**Minnesota Public Utilities Commission
ORDER ISSUING ROUTE PERMIT**

Docket Number **G-011/GP-15-858**
Dated this **5th** day of **May, 2017**

/s/ Margie DeLaHunt

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Julia	Anderson	Julia.Anderson@ag.state.mn.us	Office of the Attorney General-DOC	1800 BRM Tower 445 Minnesota St St. Paul, MN 551012134	Electronic Service	Yes	OFF_SL_15-858_Official
Laura	Demman	laura.demman@nngco.com	Northern Natural Gas Company	1111 S. 103rd Street Omaha, NE 68125	Electronic Service	No	OFF_SL_15-858_Official
Ian	Dobson	Residential.Utilities@ag.state.mn.us	Office of the Attorney General-RUD	1400 BRM Tower 445 Minnesota St St. Paul, MN 551012130	Electronic Service	Yes	OFF_SL_15-858_Official
Sharon	Ferguson	sharon.ferguson@state.mn.us	Department of Commerce	85 7th Place E Ste 280 Saint Paul, MN 551012198	Electronic Service	No	OFF_SL_15-858_Official
Emerald	Gratz	emerald.gratz@state.mn.us	Office of Administrative Hearings	PO Box 64620 Saint Paul, Minnesota 55164-0620	Electronic Service	No	OFF_SL_15-858_Official
Mary	Holly	mholly@winthrop.com	Winthrop & Weinstine, P.A.	225 S Sixth St Ste 3500 Minneapolis, MN 55402	Electronic Service	No	OFF_SL_15-858_Official
Linda	Jensen	linda.s.jensen@ag.state.mn.us	Office of the Attorney General-DOC	1800 BRM Tower 445 Minnesota Street St. Paul, MN 551012134	Electronic Service	No	OFF_SL_15-858_Official
Michael	Krikava	mkrikava@briggs.com	Briggs And Morgan, P.A.	2200 IDS Center 80 S 8th St Minneapolis, MN 55402	Electronic Service	No	OFF_SL_15-858_Official
Amber	Lee	ASLee@minnesotaenergyresources.com	Minnesota Energy Resources Corporation	2665 145th St W Rosemount, MN 55068	Electronic Service	No	OFF_SL_15-858_Official
Eric	Lipman	eric.lipman@state.mn.us	Office of Administrative Hearings	PO Box 64620 St. Paul, MN 551640620	Electronic Service	No	OFF_SL_15-858_Official

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Rick	Moser	rjmoser@integrysgruop.com	MERC	700 N Adams Street Green Bay, WI 54307	Electronic Service	No	OFF_SL_15-858_Official
Carol A.	Overland	overland@legalelectric.org	Legalelectric - Overland Law Office	1110 West Avenue Red Wing, MN 55066	Electronic Service	No	OFF_SL_15-858_Official
Catherine	Phillips	catherine.phillips@we-energies.com	We Energies	231 West Michigan St Milwaukee, WI 53203	Electronic Service	No	OFF_SL_15-858_Official
Janet	Shaddix Elling	jshaddix@janetshaddix.com	Shaddix And Associates	Ste 122 9100 W Bloomington Frwy Bloomington, MN 55431	Electronic Service	Yes	OFF_SL_15-858_Official
Eric	Swanson	eswanson@winthrop.com	Winthrop Weinstine	225 S 6th St Ste 3500 Capella Tower Minneapolis, MN 554024629	Electronic Service	No	OFF_SL_15-858_Official
Kodi	Verhalen	kverhalen@briggs.com	Briggs & Morgan	2200 IDS Center 80 South Eighth Street Minneapolis, Minnesota 55402	Electronic Service	No	OFF_SL_15-858_Official
Daniel P	Wolf	dan.wolf@state.mn.us	Public Utilities Commission	121 7th Place East Suite 350 St. Paul, MN 551012147	Electronic Service	Yes	OFF_SL_15-858_Official